

**REGULAR MEETING OF THE
TOWN OF QUARTZSITE
COMMON COUNCIL
TUESDAY, APRIL 12, 2022**

AGENDA

Norm Simpson, Mayor
Loretta Warner, Vice Mayor

Starr BearCat
Lynda Goldberg
Sam Saxton

Steve Schue
Karey Amon

**Quartzsite Town Hall
Council Chambers
465 North Plymouth Avenue
Quartzsite, Arizona**

**Regular Meeting
7:00 p.m.**

The Town of Quartzsite Common Council continues to encourage safe COVID-19 practices at Town meetings, discouraging physical contact, such as handshaking. Those that are described as 'vulnerable' either by age or underlying health conditions, or experiencing symptoms of COVID-19, are discouraged to attend.

Members of the Quartzsite Common Council may attend either in person or by telephone conferencing.

SPEAKING TO THE COUNCIL

Each individual will be limited to three (3) minutes for their remarks.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council Rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly, will be asked to leave.

EXECUTIVE SESSION

An Executive Session may be called during the public meeting on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of receiving legal advice.

CELL PHONES AND RECORDING DEVICES

As a courtesy to others please turn off or silence all cell phones or pagers. Reporters or others with recording devices are requested to be staged at the back of the public seating area in order not to interfere with the meeting.

Items may be discussed earlier or in a different sequence.

Headphones are available upon request for the hearing impaired.

AGENDA ITEM	COUNCIL ACTION
CALL TO ORDER OF REGULAR MEETING	
INVOCATION AND PLEDGE OF ALLEGIANCE The invocation may be offered by a person of any religion, faith, belief or non-belief. Interested persons should contact the Clerk for further information.	

	<p>ROLL CALL</p>	
<p>1.</p>	<p>CALL TO THE PUBLIC, ANNOUNCEMENTS AND COMMUNICATIONS FROM CITIZENS – At this time, members of the public may comment on matters within the jurisdiction of the Town and matters designated for no public comment. Comments on matters on the agenda designated for public comment are to be made at the time the Council considers the item. For the official record, individuals must state their name. There is a 3-minute limit for each speaker. The Council’s response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be placed on a future agenda if the matter is not already on the agenda. If the matter is on the agenda, the Council may respond, but discussion will be reserved until the matter is introduced on the agenda.</p>	
	<p>PRESENTATIONS; PROCLAMATIONS; REPORTS</p>	
<p>2.</p>	<p>PROCLAMATION – Arbor Day, Friday, April 29, 2022</p>	
<p>3.</p>	<p>PROCLAMATION – Fair Housing Month – April 2022</p>	
<p>4.</p>	<p>PRESENTATION – Dan Jackson of Willdan Financial Services will give a presentation concerning 2022 Wastewater & Water Rate Study & Financial Forecast Presentation</p>	
	<p>PUBLIC HEARING</p> <p>If no requests to speak have been submitted, items will be heard at one Public Hearing. Items may be heard separately if requested by a Member of the Council or if a request to speak has been submitted. Comments will be heard from those in support of or in opposition to an item.</p> <p>There is a 3-minute limit for each speaker.</p> <p>Once the hearing is closed, there will be no further public comment unless requested by a member of the Council. After the Public Hearing, the Council may act on all items not requiring additional staff, public or Council Member comment with a single vote.</p>	

5.	<p>PUBLIC HEARING FOR REZONE APPLICATION #8910 Desert Garden Holdings, LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).</p>	Public Hearing
6.	<p>CONSENT AGENDA</p> <p>All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.</p>	<p>Possible discussion; action by MOTION; may be acted upon with single motion.</p> <p>(MOTION to approve the Consent Agenda)</p>
6-a.	<p>LEDGER OF ACCOUNTS PAID – Consider approval of Accounts Payable Check Series – #49409-49420, #49431-49460, Void #49382 Totaling \$371,783.41</p> <p>Payroll Check Series paid – #49421-49430 Totaling \$86,749.13</p> <p>Grand Total – \$458,532.54</p>	
6-b.	<p>MINUTES – Consider approval of the following Town Council minutes:</p> <ul style="list-style-type: none"> • Regular Meeting of March 22, 2022 	
	<p>BUSINESS</p>	
7.	<p>FAIR HOUSING RESOLUTION – Consider adoption of Resolution No. 22-07 undertaking actions to affirmatively further fair housing in recognition of the Federal Fair Housing Act.</p>	<ul style="list-style-type: none"> • Introduction of item • Council discussion • Invitation for public comment • Final Council discussion • Council action or direction

8.	<p>CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION APPROVING THE SALE AND EXECUTION AND DELIVERY OF EXCISE TAX REVENUE REFUNDING OBLIGATIONS, SERIES 2022, EVIDENCING PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN A PURCHASE AGREEMENT FROM THE TOWN; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH PURCHASE AGREEMENT AND OTHER NECESSARY AGREEMENTS FOR SUCH SALE; DELEGATING AUTHORITY TO DETERMINE CERTAIN MATTERS AND TERMS WITH RESPECT TO THE FOREGOING AND DECLARING AN EMERGENCY</p>	<ul style="list-style-type: none"> • Introduction of item • Council discussion • Invitation for public comment • Final Council discussion • Council action or direction
9.	<p>DESERT GARDEN HOLDINGS, LLC REZONE – Discussion and possible action to approve Rezone Application #8910 - Desert Garden Holdings, LLC request to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).</p>	<ul style="list-style-type: none"> • Introduction of item • Council discussion • Invitation for public comment • Final Council discussion • Council action or direction
10.	<p>LA PAZ COUNTY IGA FOR BUILDING INSPECTIONS – Discussion and possible action to approve an Intergovernmental Agreement, IGA, with La Paz County for Town of Quartzsite Building Inspector Services.</p>	<ul style="list-style-type: none"> • Introduction of item • Council discussion • Invitation for public comment • Final Council discussion • Council action or direction
11.	<p>ORDINANCE NO. 22-02 AMENDING THE OFFICIAL ZONING MAP OF QUARTZSITE, ARIZONA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT APNs # 306-29-0100 AND 306-24-004C, 1240 ACACIA STREET, QUARTZSITE, ARIZONA, FROM SR (SUBURBAN RANCH) TO C-2 (COMMERCIAL), C-3 (HEAVY COMMERCIAL)</p>	<ul style="list-style-type: none"> • Introduction of item • Council discussion • Invitation for public comment • Final Council discussion • Council action or direction
	<p>COMMUNICATIONS</p>	
12.	<p>Reports from the MAYOR on current events.</p>	

13.	Reports from the COUNCIL on current events.	
14.	Reports from the TOWN MANAGER on current events. <ul style="list-style-type: none"> • Kofa Well #5 Update 	
15.	FUTURE AGENDA ITEMS	
	ADJOURN	

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE TOWN CLERK'S OFFICE AT 928-927-4333. REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE PLEASE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION.

COUNCIL MAY NOT ACT ON ITEMS NOT ON THE AGENDA

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Quartzsite Town Hall, 465 N. Plymouth Ave, Quartzsite, AZ, U.S. Post Office, 80 W. Main Street, Quartzsite, AZ and The Senior Center, 40 Moon Mountain Ave, Quartzsite, AZ, on the _____ day of _____ 2022, at _____ a.m./p.m. in accordance with the statement filed by the Town of Quartzsite with the Town Clerk, Town of Quartzsite.

By: _____, Town Clerk's Office

QUARTZSITE PUBLIC LIBRARY
Statistical Report MARCH, 2022

Total Number of Patrons	2761
Adult Fiction	738
Adult Non-Fiction	103
Paperbacks	150
Large Print	218
E-Books	4920
Arizona Books	25
Foreign Language	3
ILL Sent to other Libraries	0
ILL Received from other Libraries	0
TOTAL ADULT BOOKS	6157
Young Adult Fiction	9
Young Adult Non-Fiction	0
Young Adult Paperback	0
Juvenile Fiction	37
Juvenile Non-Fiction	1
Graphic Novel	3
MISCELLANEOUS	
Puzzles	25
DVD	1312
VHS	60
CD Audio	9
TOTAL CIRCULATION	7614
Computer Questions	307
Inf & Reference Questions	198
Computer Use (Adults and Children)	722
Caregivers Use	36
Wireless Usage	634
New Patrons Registered	43
Meeting Room Use	16
Donations for March	358
Volunteer hours	28.5

MAGISTRATE ACTIVITY REPORT

MONTH OF: March 2022

	Prior Month	Current Month
Civil Traffic Action Filed	38	43
Criminal Traffic Action Filed	2	6
Misdemeanor Cases Filed	7	11
Non-PTC Hearings Held	19	18
Trials and Pre-Trials Held	35	29
Civil Traffic Closings	24	29
Criminal Traffic Closings	3	0
Misdemeanor Cases Closed	7	7
Warrants Issued	14	5
Warrants Quashed	5	6
Harassment or Orders of Protection	2	5
Search Warrants	2	4
Revenue generated by Court	\$7,381.06	\$6,182.74
Total Collected	\$14,294.84	\$10,326.17

Pamela Shirley, Magistrate

Signature-

Preparer:

[Handwritten Signature] 4-5-22
CS 4-5-22



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, NORM SIMPSON, Mayor of the Town of
QUARTZSITE, ARIZONA do hereby proclaim
FRIDAY, APRIL 29, 2022 as

Arbor Day

In the Town of QUARTZSITE, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 12T H day of APRIL 2022
 Mayor NORM SIMPSON



TOWN OF QUARTZSITE

465 North Plymouth Avenue • PO Box 2812 • Quartzsite, AZ 85346

Phone (928) 927-4333 • Fax (928) 927-4400

Arizona Relay Service (928)927-3762 (TDD)

We are an equal opportunity employer

www.ci.quartzsite.az.us

PROCLAMATION

Proclaiming the Month of April 2022 as "Fair Housing Month"

WHEREAS: The National Fair Housing Law of 1986, as amended by the Fair Housing Amendments Act of 1988, prohibits discrimination in housing and declares it a national policy to provide within constitutional limits, for fair housing in the United States, and

WHEREAS: The principle of Fair Housing is not only national law and national policy but a fundamental human concept and entitlement for all Americans; and

WHEREAS: April has traditionally been designated as Fair Housing Month in the United States.

Now therefore, I, Norman Simpson, Mayor of the Town of Quartzsite Common Council hereby proclaim:

The Month of April 2022,

as

"Fair Housing Month in the Town of Quartzsite"

In Witness Whereof I have hereunto set my hand and affixed the Official Seal of the Mayor. Done at Town of Quartzsite, Arizona, this 12th day of April 2022.

Norm Simpson, Mayor



Town of Quartzsite

2022 Water and Wastewater Rate Study and Financial Forecast Town Council Presentation



April 2022

Facts about Water and WW Rates in the 21st Century



- Average utility has been increasing rates 5-6% per year; recent increases in inflation rate may push these adjustments even higher
- Rate adjustments are primarily due to reasons beyond a utility's control – inflation, system replacement, etc.
- Capital improvement plans a driving factor in the need for rate adjustments
- 30-40% of utilities currently charge rates that do not cover their costs



Town of Quartzsite Rate Background



- Town has periodically adopted multi-year rate plans to fund expense increases and system capital improvements
- In recent years Town radically restructured its rates:
 - Eliminated complex charges by fixture unit, sinks, etc.
 - Replaced RV park fixed charges to provide “off season” relief while tying volume charges to actual usage
 - Adjusted commercial rates to reflect higher costs
- Town adopted its most recent rate plan in 2019 to fund \$3.5 million bond for Town’s portion of wastewater treatment plant

Town of Quartzsite Current Water Rate Structure



Current Water Rates

	<u>Inside City</u>
Monthly Service Charge (1st 2,000 gal)	
3/4"	\$ 34.81
1"	58.02
1 1/2"	116.05
2"	185.67
4"	580.21
 Monthly Consumption Rate per 1,000 Gallons:	
Residential	5.52
Commercial	6.33
Mixed Commercial	6.33
Restaurants	6.33
Deeded Lots	6.04
RV Parks	6.04
Bulk Water	12.09

Town of Quartzsite Current Wastewater Rate Structure



Current Wastewater Rates

Residential

Base Charge

House/Mobile Home	\$	20.00
Additional Home and RV Hookup		14.60

Volume Charge

Accounts Using Town Water -- Per 1,000 Gallons

Single Family		2.49
Multi Family		2.49

Accounts Not Using Town Water -- Monthly Charge

Homes -- Each		17.40
RVs -- Each		7.70

RV Parks

Base Charge

Mobile Home Spaces		13.40
RV Spaces		11.00
Deeded Lots		20.00

Volume Charge

Accounts Using Town Water -- Per 1,000 Gallons

RV Parks/Deeded Lots		4.64
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Accounts Not Using Town Water -- Monthly Charge

Houses		19.00
RV -- Each		8.30

Commercial

Base Charge

Commercial 1"		22.90
Commercial 2"		72.80
Motel Rooms		8.60
RV Hooks		16.90

Volume Charge

Accounts Using Town Water -- Per 1,000 Gallons

Commercial -- General		2.85
Churches		2.85
Mixed Commercial		4.19
Restaurants		6.23

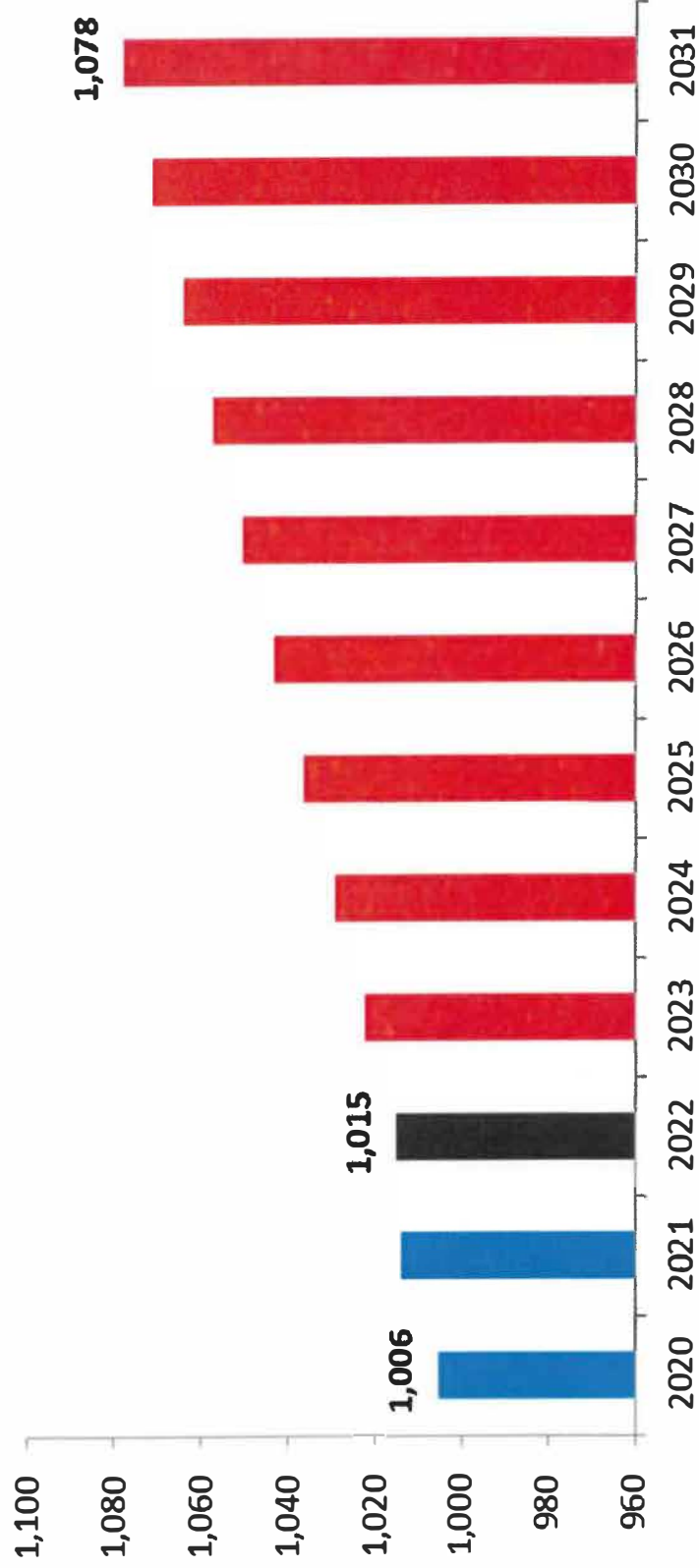
Accounts Not Using Town Water -- Monthly Charge

Houses		20.10
RV -- Each		8.80
Motel Rooms		4.50
Restaurant Seats		4.00
Church Seats		0.70

Actual and Forecast Total Water Accounts



2022 Water Consumption (gallons) = 104,025,747



Water/Wastewater Cost of Service Primary Assumptions



- Most operating expenses continue to increase at 3.0%
 - Increased inflation rates may require Town to reassess this assumption in future years

- Biggest impact on cost of service and rate plan – capital spending requirements:
 - \$350,000 in annual capital outlays

 - \$2,700,000 in long term capital improvements over next five years, to be funded from new debt issues

Forecast Water/Wastewater Capital Improvement Plan



WATER PROJECTS

Well Maintenance #3 Well	\$	100,000
Army Corp Grant Match		250,000
Mokingbird Water Line		150,000
500K Storage Tank		300,000
Update Booster Station		100,000
Total Water	\$	900,000

WASTEWATER PROJECTS

Mockingbird Sewer	\$	350,000
Funding for Northwest quadrant		800,000
Effluent Filtration Class A		150,000
Install Effluent Water Line		500,000
Total Wastewater	\$	1,800,000

TOTAL Water and Wastewater Projects \$ 2,700,000

Long-Term Financing Forecast Bond Issues

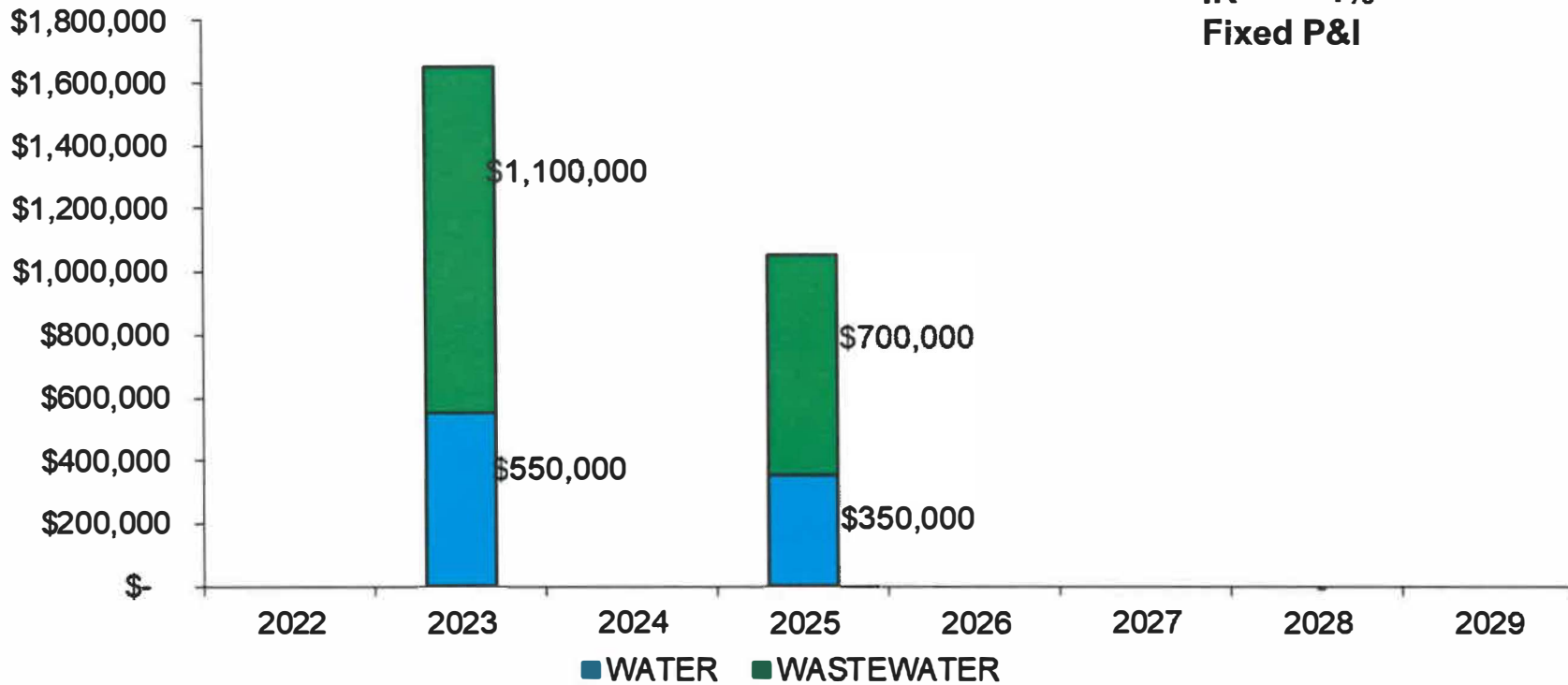


Total Debt = \$2,700,000

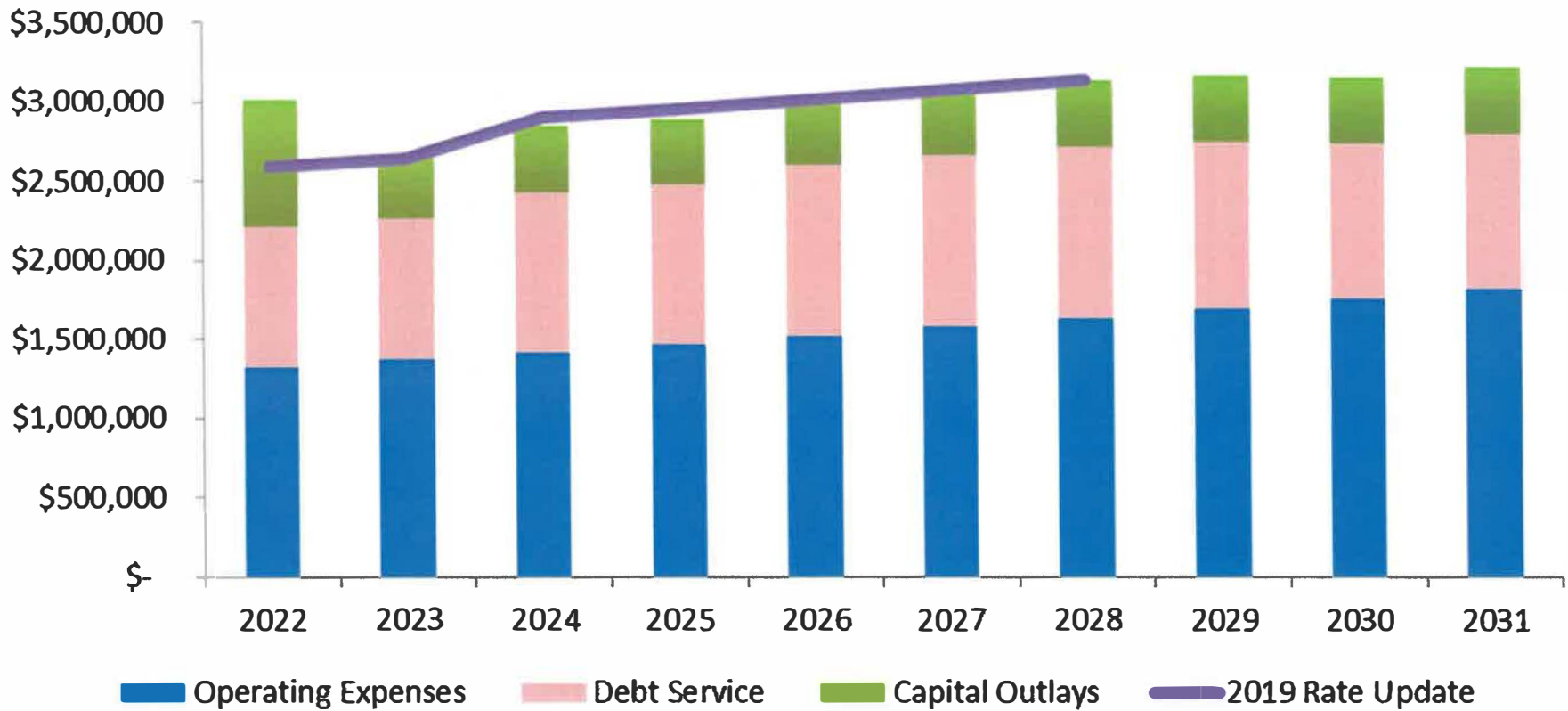
Term = 20 Years

IR = 4%

Fixed P&I



Water and Wastewater Forecast Cost of Service



Notes on Rate Plan



- Town has significantly improved both its utility financial condition and the “fairness” of its rate structure through the implementation of its 2018 multi-year rate plan
 - Final year of plan was in 2021
- However, a new rate plan is required to fund continued operating cost increases and the need to fund \$2.7 million in additional capital improvements
- Recommend a new 5-year rate plan with first adjustment in July 2022
- If inflation and/or interest rates increase in next 2-3 years, long term rate plan may require review and/or revision

Proposed Water Rate Plan



	Current	Effective Jul-22	Effective Jul-23	Effective Jul-24	Effective Jul-25	Effective Jul-26
Monthly Service Charge						
3/4"	\$ 34.81	\$ 35.51	\$ 36.22	\$ 36.94	\$ 37.68	\$ 38.43
1"	58.02	59.18	60.36	61.57	62.80	64.06
1 1/2"	116.05	118.37	120.74	123.15	125.61	128.12
2"	185.67	189.38	193.17	197.03	200.97	204.99
4"	580.21	591.81	603.65	615.72	628.03	640.59
6"	1,940.51	1,979.32	2,018.91	2,059.29	2,100.48	2,142.49
8"	3,104.81	3,166.91	3,230.25	3,294.86	3,360.76	3,427.98
Monthly Consumption Rate per 1,000 Gallons						
Residential	5.52	5.63	5.74	5.86	5.98	6.09
Commercial	6.33	6.46	6.59	6.72	6.85	6.99
Mixed Commercial	6.33	6.46	6.59	6.72	6.85	6.99
Restaurants	6.33	6.46	6.59	6.72	6.85	6.99
Deeded Lots	6.04	6.16	6.28	6.41	6.54	6.67
RV Parks	6.04	6.16	6.28	6.41	6.54	6.67
Bulk Water	12.09	12.33	12.58	12.83	13.09	13.35

Proposed Wastewater Rate Plan Residential



	Current	Effective Jul-22	Effective Jul-23	Effective Jul-24	Effective Jul-25	Effective Jul-26
Residential						
<u>Base Charge</u>						
House/Mobile Home	\$ 20.00	\$ 21.00	\$ 22.10	\$ 23.30	\$ 24.50	\$ 25.50
Additional Home and RV Hookup	14.60	15.40	16.20	17.10	18.00	18.80
<u>Volume Charge</u>						
<i>Accounts Using Town Water -- Per 1,000 Gallons</i>						
Single Family	2.49	2.62	2.76	2.90	3.05	3.18
Multi Family	2.49	2.62	2.76	2.90	3.05	3.18
<i>Accounts Not Using Town Water -- Monthly Charge</i>						
Homes -- Each	17.40	18.30	19.30	20.30	21.40	22.30
RVs -- Each	7.70	8.10	8.60	9.10	9.60	10.00
RV Parks						
<u>Base Charge</u>						
Mobile Home Spaces	13.40	14.10	14.90	15.70	16.50	17.20
RV Spaces	11.00	11.60	12.20	12.90	13.60	14.20
Deeded Lots	20.00	21.00	22.10	23.30	24.50	25.50
<u>Volume Charge</u>						
<i>Accounts Using Town Water -- Per 1,000 Gallons</i>						
RV Parks/Deeded Lots	4.64	4.88	5.13	5.39	5.66	5.89
<i>Accounts Not Using Town Water -- Monthly Charge</i>						
RV --Houses	19.00	20.00	21.00	22.10	23.30	24.30
RV -- Other	8.30	8.80	9.30	9.80	10.30	10.80

Proposed Wastewater Rate Plan Non-Residential



	Current	Effective Jul-22	Effective Jul-23	Effective Jul-24	Effective Jul-25	Effective Jul-26
Commercial						
<u>Base Charge</u>						
Commercial 1"	22.90	24.10	25.40	26.70	28.10	29.30
Commercial 2"	72.80	76.50	80.40	84.50	88.80	92.40
Motel Rooms	8.60	9.10	9.60	10.10	10.70	11.20
RV Hooks	16.90	17.80	18.70	19.70	20.70	21.60
<u>Volume Charge</u>						
<i>Accounts Using Town Water -- Per 1,000 Gallons</i>						
Commercial -- General	2.85	3.00	3.15	3.31	3.48	3.62
Churches	2.85	3.00	3.15	3.31	3.48	3.62
Mixed Commercial	4.19	4.40	4.62	4.86	5.11	5.32
Restaurants	6.23	6.55	6.88	7.23	7.60	7.91
<i>Accounts Not Using Town Water -- Monthly Charge</i>						
RV -- Houses	20.10	21.20	22.30	23.50	24.70	25.70
RV -- Other	8.80	9.30	9.80	10.30	10.90	11.40
Motel Rooms	4.50	4.80	5.10	5.40	5.70	6.00
Restaurant Seats	4.00	4.20	4.50	4.80	5.10	5.40
Church Seats	0.70	0.80	0.90	1.00	1.10	1.20

Impact on In-City Monthly Charges Residential & Commercial



	Current	Effective Jul-22	Effective Jul-23	Effective Jul-24	Effective Jul-25	Effective Jul-26
Residential 3/4" -- 5,000 Gallons						
Total	\$ 94.86	\$ 97.76	\$ 100.84	\$ 104.03	\$ 107.31	\$ 110.30
Increase - \$		2.90	3.07	3.19	3.28	3.00
Increase - %		3.1%	3.1%	3.2%	3.1%	2.8%
Commercial 1" -- 10,000 Gallons						
Total	172.72	177.85	183.12	188.54	194.22	199.45
Increase		5.13	5.27	5.43	5.67	5.23
Increase - %		3.0%	3.0%	3.0%	3.0%	2.7%
RV Park 2" -- 50 Spaces						
High Usage -- 100,000 Gallons	1,803.67	1,873.46	1,944.57	2,022.00	2,100.76	2,170.85
Increase		69.79	71.11	77.43	78.76	70.10
Increase - %		3.9%	3.8%	4.0%	3.9%	3.3%
RV Park -- 50 Spaces						
Low Usage -- 20,000 Gallons	949.27	990.20	1,031.45	1,078.02	1,124.93	1,166.16
Increase		40.93	41.25	46.57	46.90	41.24
Increase - %		4.3%	4.2%	4.5%	4.4%	3.7%

Presentation Summary

Next Steps



- According to ARS 9-511, the following steps are required to implement a new rate plan:
 - Council must adopt a “Notice of Intent” (NOI) at a future public meeting
 - 60 days after adoption of NOI, Town must hold a public hearing to outline the benefits and implications of a new rate plan
 - After public hearing, Town Council may vote to adopt new plan
 - If adopted, new plan goes into effect 30 days later

Presentation Summary

Benefits of Proposed Rate Plan



- Will enable utility to continue operating on a stand-alone basis and independent of general fund assistance
- Will cover estimated increased cost of requisite labor, services and materials
- Will result in financially-healthy utility that has ability to fund operations and capital needs
- Ensures that ratepayers pay only what it costs to provide water and wastewater service
- Will allow \$2.7 million of capital investment to improve quality of service and provide a well-functioning system for future generations



Questions?



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, April 12, 2022

PUBLIC HEARING

(See Item 9 for documents)

Agenda Item: **PUBLIC HEARING FOR REZONE APPLICATION #8910** Desert Garden Holdings, LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Summary: Desert Garden Holdings LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

An inspection of the general vicinity near the subject parcel reveals that property due east is zoned Mobile Home Subdivision (MHS), to the west and northwest is zoned General Commercial (C-2), and a small parcel to the northeast owned by ADOT is zoned Heavy Industrial (HI). The Heavy Commercial uses being proposed by the applicant are not spot zoning due to their proximity to existing commercial uses.

The 2014 Quartzsite General Plan Land Use Map indicates identical residential land uses as shown on the town zoning map which does not account for the historical, ongoing commercial uses on the property. The proposed higher intensity use of C-3, while not reflected in the 2014 General Plan, can be accommodated with appropriate mitigation measures.

Action Requested: Public Hearing Only.

Report Criteria:
 Report type: GL detail
 Check.Check Number = 49382, 49409-49460

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GLAccount	Amount	Bank Number
49382							
03/23/22	49382	Arizona's Water & Wastew	300.00-	V WW Training-E.Brinkerhoff 3/21-3/24/22	15-500-5043	300.00-	141
Total 49382:			300.00-				
49409							
03/16/22	49409	Arizona State Treasurer	5,867.51	Fees Collected-February 2022	01-000-2212	5,867.51	141
Total 49409:			5,867.51				
49410							
03/16/22	49410	Card Service Center	4.09	Acrobat Pro DC February 2022	16-550-5051	4.09	141
03/16/22	49410	Card Service Center	4.08	Acrobat Pro DC February 2022	15-500-5051	4.08	141
03/16/22	49410	Card Service Center	4.09	Acrobat Pro DC February 2022	03-220-5051	4.09	141
03/16/22	49410	Card Service Center	4.09	Acrobat Pro DC February 2022	01-130-5051	4.09	141
03/16/22	49410	Card Service Center	4.09	Acrobat Pro DC February 2022	01-130-5051	4.09	141
03/16/22	49410	Card Service Center	4.09	Acrobat Pro DC February 2022	16-550-5051	4.09	141
03/16/22	49410	Card Service Center	4.09	Acrobat Pro DC February 2022	03-220-5051	4.09	141
03/16/22	49410	Card Service Center	4.08	Acrobat Pro DC February 2022	15-500-5051	4.08	141
03/16/22	49410	Card Service Center	618.84	Alternative Towing-#1502 Vactor Truck	03-220-5035	618.84	141
03/16/22	49410	Card Service Center	9.94	Zoom-Additional License	01-110-5051	9.94	141
03/16/22	49410	Card Service Center	2.72	Zoom-Additional License	03-220-5051	2.72	141
03/16/22	49410	Card Service Center	2.71	Zoom-Additional License	15-500-5051	2.71	141
03/16/22	49410	Card Service Center	2.70	Zoom-Additional License	16-550-5051	2.70	141
03/16/22	49410	Card Service Center	1,348.48	Team Viewer-Renewal-2/4/22-2/3/23	15-500-5051	1,348.48	141
03/16/22	49410	Card Service Center	145.87	APC Replacement Battery-WWTP	15-500-5022	145.87	141
03/16/22	49410	Card Service Center	78.60	CDL Physical-L.Curtis	16-550-5035	78.60	141
03/16/22	49410	Card Service Center	13.10	CDL Physical-L.Curtis	15-500-5035	13.10	141
03/16/22	49410	Card Service Center	39.30	CDL Physical-L.Curtis	03-220-5035	39.30	141
03/16/22	49410	Card Service Center	126.00	Food Manger Online Course-A.Laurance	01-185-5043	126.00	141
Total 49410:			2,420.96				
49411							
03/16/22	49411	CorrectCare - Integrated H	12.00	Feb 2022 Services-C.Bagdons 1/2/22	01-140-5035	12.00	141
Total 49411:			12.00				
49412							
03/16/22	49412	Crexendo, Inc.	14.69	Phone Services- Transit	01-230-5048	14.69	141
03/16/22	49412	Crexendo, Inc.	36.75	Phone Services- HURF	03-220-5048	36.75	141
03/16/22	49412	Crexendo, Inc.	36.75	Phone Services- WWTP	15-500-5048	36.75	141
03/16/22	49412	Crexendo, Inc.	36.75	Phone Services- Water	16-550-5048	36.75	141
03/16/22	49412	Crexendo, Inc.	609.98	Phone Services- Fac Maintenance	01-127-5048	609.98	141
Total 49412:			734.92				
49413							
03/16/22	49413	Davis Building Supply	31.64	(100ct) 5/16" x 4-1/2" Carriage Bolt	03-220-5028	31.64	141
03/16/22	49413	Davis Building Supply	17.99	(100ct) 5/16" x 3-1/2" Carriage Bolt	03-220-5028	17.99	141
03/16/22	49413	Davis Building Supply	6.56	(100ct) 5/16" Hex Nuts	03-220-5028	6.56	141
03/16/22	49413	Davis Building Supply	2.88	Finance Charge	03-220-5035	2.88	141
Total 49413:			59.07				

VI = Manual Check, V = Void Check

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount	Bank Number
49414							
03/16/22	49414	Jon Nash	500.00	Bond Refund-J.Nash #CM2020-000055	01-000-2211	500.00	141
Total 49414:			500.00				
49415							
03/16/22	49415	Kairos Health Arizona, Inc.	13,640.00	Medical Ins Empr W/H- United Health	01-000-2208	13,640.00	141
03/16/22	49415	Kairos Health Arizona, Inc.	2,790.00	Medical Ins Emp W/H- United Health	01-000-2208	2,790.00	141
03/16/22	49415	Kairos Health Arizona, Inc.	1,592.00	Dental Ins Empr W/H- Delta Dental	01-000-2209	1,592.00	141
03/16/22	49415	Kairos Health Arizona, Inc.	321.00	Dental Ins Emp W/H- Delta Dental	01-000-2209	321.00	141
03/16/22	49415	Kairos Health Arizona, Inc.	372.16	Vison W/H- VSP	01-000-2209	372.16	141
03/16/22	49415	Kairos Health Arizona, Inc.	202.27	Life Ins W/H- Metlife	01-000-2209	202.27	141
03/16/22	49415	Kairos Health Arizona, Inc.	110.27	Vol Life Ins W/H- Metlife	01-000-2209	110.27	141
03/16/22	49415	Kairos Health Arizona, Inc.	110.31	STD Emp W/H	01-000-2209	110.31	141
03/16/22	49415	Kairos Health Arizona, Inc.	15.00	Prepaid Legal Emp W/H	01-000-2209	15.00	141
03/16/22	49415	Kairos Health Arizona, Inc.	51.15	Accident Emp W/H	01-000-2209	51.15	141
03/16/22	49415	Kairos Health Arizona, Inc.	49.72	Hospital ind Emp W/H	01-000-2209	49.72	141
03/16/22	49415	Kairos Health Arizona, Inc.	14.20	Critical Illness Emp W/H	01-000-2209	14.20	141
Total 49415:			19,268.08				
49416							
03/16/22	49416	Konica Minolta Premier Fin	36.23	C458 Printer B&W+Color-01/31/22-02/27/22	01-140-5035	36.23	141
Total 49416:			36.23				
49417							
03/16/22	49417	La Paz County Treasurer	22.48	Fees Collected-February 2022	01-000-2212	22.48	141
Total 49417:			22.48				
49418							
03/16/22	49418	TDS Telecom	72.70	Telephone Service - HURF	03-220-5048	72.70	141
03/16/22	49418	TDS Telecom	179.30	Telephone Service - WWTP	15-500-5048	179.30	141
03/16/22	49418	TDS Telecom	177.14	Telephone Service - Water	16-550-5048	177.14	141
03/16/22	49418	TDS Telecom	117.19	Telephone Service - Facility Maintenance	01-127-5048	117.19	141
Total 49418:			546.33				
49419							
03/16/22	49419	TerraForm Solar XVIII, LLC	857.48	Solar Energy Charges-TH	01-127-5048	857.48	141
03/16/22	49419	TerraForm Solar XVIII, LLC	2,202.57	Solar Energy Charges-WWTP	15-500-5048	2,202.57	141
Total 49419:			3,060.05				
49420							
03/16/22	49420	Thomson Reuters- West	260.93	Arizona Rules of Court 2022	01-150-5051	260.93	141
Total 49420:			260.93				
49431							
03/23/22	49431	Arizona's Water & Wastew	300.00	WW Training-E.Brinkerhoff 3/21-3/24/22	15-500-5043	300.00	141
Total 49431:			300.00				
49432							
03/23/22	49432	APS	1,867.91	Electric Service- Facility Maintenance	01-127-5048	1,867.91	141
03/23/22	49432	APS	394.86	Electric Service-Hurf	03-220-5048	394.86	141
03/23/22	49432	APS	2,550.17	Electric Service - Street Lights	03-220-5049	2,550.17	141

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount	Bank Number
03/23/22	49432	APS	3,477.49	Electric Service - WWTP	15-500-5048	3,477.49	141
03/23/22	49432	APS	6,929.94	Electric Service- Water	16-550-5048	6,929.94	141
Total 49432:			15,220.37				
49433							
03/23/22	49433	Blue 360 Media	132.37	AZ Criminal Law Manuals 21-2022	01-150-5051	132.37	141
Total 49433:			132.37				
49434							
03/23/22	49434	C&D Disposal	258.56	4Yd Commercial Bin Fee - Parks	01-180-5035	258.56	141
03/23/22	49434	C&D Disposal	258.56	4Yd Commercial Bin Fee - WWTP	15-500-5035	258.56	141
Total 49434:			517.12				
49435							
03/23/22	49435	Gust Rosenfeld PLC	4,140.00	General Council Svcs-February 2022	01-120-5071	4,140.00	141
Total 49435:			4,140.00				
49436							
03/23/22	49436	Home Depot Credit Service	32.62	50' Hose	03-220-5047	32.62	141
03/23/22	49436	Home Depot Credit Service	46.76	50' Hose	01-180-5086	46.76	141
03/23/22	49436	Home Depot Credit Service	30.29	(4)1" PVC Slide Repair Coupling	01-180-5086	30.29	141
03/23/22	49436	Home Depot Credit Service	19.86	PVC Primer	16-550-5091	19.86	141
03/23/22	49436	Home Depot Credit Service	24.45	PVC Cement	16-550-5091	24.45	141
03/23/22	49436	Home Depot Credit Service	56.27	(4)PVC Glue/Primer Pack	16-550-5091	56.27	141
03/23/22	49436	Home Depot Credit Service	22.78	(3)Marking Paint-Blue	16-550-5022	22.78	141
03/23/22	49436	Home Depot Credit Service	22.78	(3)Marking Paint-Green	16-550-5022	22.78	141
03/23/22	49436	Home Depot Credit Service	86.60	(4) Round Valve Box	01-180-5086	86.60	141
03/23/22	49436	Home Depot Credit Service	17.31	7" Rafter Square	03-220-5060	17.31	141
03/23/22	49436	Home Depot Credit Service	10.83	12" Pry Bar	03-220-5060	10.83	141
Total 49436:			370.55				
49437							
03/23/22	49437	iWorQ Systems	1,500.00	Software Mgmt/Support 4/22-3/2023	03-220-5051	1,500.00	141
03/23/22	49437	iWorQ Systems	600.00	Software Mgmt/Support 4/22-3/2023	15-500-5051	600.00	141
03/23/22	49437	iWorQ Systems	600.00	Software Mgmt/Support 4/22-3/2023	16-550-5051	600.00	141
03/23/22	49437	iWorQ Systems	600.00	Software Mgmt/Support 4/22-3/2023	01-140-5051	600.00	141
Total 49437:			3,300.00				
49438							
03/23/22	49438	La Paz County Superior Co	81.50	Marriage License #7225: Anthony Rice	01-000-4410	81.50	141
03/23/22	49438	La Paz County Superior Co	81.50	Marriage License #7226: Ricky Ward	01-000-4410	81.50	141
03/23/22	49438	La Paz County Superior Co	81.50	Marriage License #7227: Jose Villagomez Chavez	01-000-4410	81.50	141
Total 49438:			244.50				
49439							
03/23/22	49439	Layne Christensen Compa	44,500.00	Mobilization & Demobilization-New Kofa Well	13-104-5061	44,500.00	141
03/23/22	49439	Layne Christensen Compa	24,750.00	Surface Casting Construction-New Kofa Well	13-104-5061	24,750.00	141
03/23/22	49439	Layne Christensen Compa	6,925.00	Total Retainage-New Kofa Well	16-000-2271	6,925.00	141
Total 49439:			62,325.00				

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount	Bank Number
49440							
03/23/22	49440	WIN-911 Software	660.00	Annual Software Maint/Support 5/22-5/2023	15-500-5051	660.00	141
Total 49440:			660.00				
49441							
03/30/22	49441	Amazon	31.42	(10) 32GB USB Flash Drives	01-130-5022	31.42	141
03/30/22	49441	Amazon	43.63	60" Aluminum Snake Catcher	01-140-5022	43.63	141
03/30/22	49441	Amazon	26.17	16" Kevlar Animal Handling Gloves	01-140-5022	26.17	141
03/30/22	49441	Amazon	228.02	HP Laserjet MFP M140w-Replacement	16-550-5022	228.02	141
03/30/22	49441	Amazon	158.14	Uniform-Boots- J.Newton	03-220-5019	158.14	141
03/30/22	49441	Amazon	73.76	(2) Soap Dispensers	16-550-5034	73.76	141
03/30/22	49441	Amazon	45.36	(4) GOJO Soap Refills	16-550-5034	45.36	141
03/30/22	49441	Amazon	33.78	(2-6pk) Letter Size Writing Pads	01-155-5022	33.78	141
03/30/22	49441	Amazon	119.80	(4) 50ct-Pendaflex Fastener Folders	01-140-5022	119.80	141
03/30/22	49441	Amazon	6.54	(4pk) 3x3 Pop Up Sticky Notes-Red	01-150-5022	6.54	141
03/30/22	49441	Amazon	16.31	(500ct) File Folder Labels- #1	01-150-5022	16.31	141
03/30/22	49441	Amazon	32.62	(2-500ct) File Folder Labels- #0	01-150-5022	32.62	141
03/30/22	49441	Amazon	16.31	(500ct) File Folder Labels- #4	01-150-5022	16.31	141
Total 49441:			831.86				
49442							
03/30/22	49442	Aretta Hannan	76.25	Utility Overpayment Refund-A.Hannan	99-000-1075	76.25	141
Total 49442:			76.25				
49443							
03/30/22	49443	Cactus Asphalt	800.00	Refund-Hydrant Meter Deposit	16-000-2241	800.00	141
Total 49443:			800.00				
49444							
03/30/22	49444	Davis Building Supply	10.51	Grommet Kit-BCWD I-10 Exit Banners	01-125-5044	10.51	141
03/30/22	49444	Davis Building Supply	26.38	(2) Silicone	01-127-5030	26.38	141
03/30/22	49444	Davis Building Supply	129.41	(18) T Posts For Banners	01-125-5044	129.41	141
03/30/22	49444	Davis Building Supply	14.07	(2) Red Spray Paint-Snack Shack RR	01-127-5030	14.07	141
03/30/22	49444	Davis Building Supply	13.90	6" Letter Stencil Set	01-127-5030	13.90	141
03/30/22	49444	Davis Building Supply	35.06	15" Screw Mount Cable Tie	01-125-5044	35.06	141
03/30/22	49444	Davis Building Supply	55.90	(6) 2x4x8 Lumber For Tire Rack	03-220-5022	55.90	141
Total 49444:			285.23				
49445							
03/30/22	49445	Empire Southwest	174.80	#2204-Grader-Transmission Sensor	03-220-5040	174.80	141
Total 49445:			174.80				
49446							
03/30/22	49446	Executech, LLC	2,906.91	IT Services- February 2022	01-127-5036	2,906.91	141
03/30/22	49446	Executech, LLC	82.58	IT Services- February 2022	15-500-5036	82.58	141
03/30/22	49446	Executech, LLC	82.58	IT Services- February 2022	16-550-5036	82.58	141
03/30/22	49446	Executech, LLC	231.23	IT Services- February 2022	03-220-5036	231.23	141
03/30/22	49446	Executech, LLC	1,725.53	IT Services- February 2022	01-127-5036	1,725.53	141
03/30/22	49446	Executech, LLC	49.02	IT Services- February 2022	15-500-5036	49.02	141
03/30/22	49446	Executech, LLC	49.02	IT Services- February 2022	16-550-5036	49.02	141
03/30/22	49446	Executech, LLC	137.26	IT Services- February 2022	03-220-5036	137.26	141

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount	Bank Number
Total 49446:			5,264.13				
49447							
03/30/22	49447	Haaker Equipment Compa	7,934.03	#1502-2009 Vactor Truck-Repairs	03-220-5025	7,934.03	141
03/30/22	49447	Haaker Equipment Compa	3,967.01	#1502-2009 Vactor Truck-Repairs	15-500-5025	3,967.01	141
03/30/22	49447	Haaker Equipment Compa	3,967.01	#1502-2009 Vactor Truck-Repairs	16-550-5025	3,967.01	141
Total 49447:			15,868.05				
49448							
03/30/22	49448	Hilario Tanakeyowma	294.00	Per Diem-FBI Trng 4/11-4/15/22 H.Tanakeyowma	01-140-5043	294.00	141
Total 49448:			294.00				
49449							
03/30/22	49449	Hill Brothers Chemical Co.	2,213.19	(4) Sulfur Dioxide-WWTP	15-500-5050	2,213.19	141
03/30/22	49449	Hill Brothers Chemical Co.	1,301.19	(6) Cylinder 150# Chlorine- WWTP	15-500-5050	1,301.19	141
03/30/22	49449	Hill Brothers Chemical Co.	600.00	(4) Vendor Cylinder \$150-WWTP	15-500-5050	600.00	141
03/30/22	49449	Hill Brothers Chemical Co.	992.69	(4) Chlorine Gas-Water	16-550-5050	992.69	141
Total 49449:			5,107.07				
49450							
03/30/22	49450	Inland Builders Supply, Inc.	192.86	(15)Cement Mortar Mix-Celia's Garden	01-180-5086	192.86	141
03/30/22	49450	Inland Builders Supply, Inc.	76.13	(2)Refundable Pallet Deposit	01-180-5086	76.13	141
03/30/22	49450	Inland Builders Supply, Inc.	287.81	(35)Redi-Mix Cement-Celia's Garden	01-180-5086	287.81	141
Total 49450:			556.80				
49451							
03/30/22	49451	La Paz County Sheriff's De	8,000.00	Spillman System Maint FY22-23	01-140-5051	8,000.00	141
Total 49451:			8,000.00				
49452							
03/30/22	49452	La Paz Electric Inc	525.76	Ceiling Light Installation-TH	01-127-5030	525.76	141
Total 49452:			525.76				
49453							
03/30/22	49453	La Paz Regional Hospital	97.19	Hospital Bill-B.Mack #Q2100063	01-140-5035	97.19	141
Total 49453:			97.19				
49454							
03/30/22	49454	Legend Technical Services,	87.00	Lab Services- WWTP	15-500-5039	87.00	141
03/30/22	49454	Legend Technical Services,	34.20	Lab Services- WWTP	15-500-5039	34.20	141
03/30/22	49454	Legend Technical Services,	43.20	Lab Services- Water	16-550-5039	43.20	141
03/30/22	49454	Legend Technical Services,	228.50	Lab Services- WWTP	15-500-5039	228.50	141
Total 49454:			392.90				
49455							
03/30/22	49455	Litchfield Tactical, LLC	690.00	AZPOST Physical Exam-S.Debore 3/2/22	01-140-5082	690.00	141
Total 49455:			690.00				

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount	Bank Number
49456							
03/30/22	49456	One Point Partitions	62.00	Restroom Partition Brackets & Shoe	01-180-5086	62.00	141
Total 49456:			62.00				
49457							
03/30/22	49457	River City Newspapers	320.44	Call of Election 2 Weeks 3/2, 3/9	01-155-5033	320.44	141
03/30/22	49457	River City Newspapers	480.66	Ordinance 22-01 3/16, 3/23	01-160-5033	480.66	141
03/30/22	49457	River City Newspapers	320.44	Display Ad-CDBG Public Hearing Notice 3/9,3/16	01-130-5033	320.44	141
Total 49457:			1,121.54				
49458							
03/30/22	49458	Road Runner Supply	26.54	(1gal) Sanitizer Gel-TH/CC/PD	01-127-5022	26.54	141
03/30/22	49458	Road Runner Supply	32.34	Janitorial Supplies-Parks	01-180-5034	32.34	141
03/30/22	49458	Road Runner Supply	326.24	Janitorial Supplies-Parks	01-180-5034	326.24	141
03/30/22	49458	Road Runner Supply	212.64	Janitorial Supplies - Facilities- TH	01-127-5034	212.64	141
Total 49458:			597.76				
49459							
03/30/22	49459	Stericycle, Inc.	25.00	Controlled Substance Waste Fee-April 2022	01-140-5035	25.00	141
Total 49459:			25.00				
49460							
03/31/22	49460	Layne Christensen Compa	116,748.00	Drilling Pilot Borehole-New Kofa Well	13-104-5061	116,748.00	141
03/31/22	49460	Layne Christensen Compa	109,296.00	Ream 30" (24")Diameter Hole-New Kofa Well	13-104-5061	109,296.00	141
03/31/22	49460	Layne Christensen Compa	8,750.00	Geophysical Logging-New Kofa Well	13-104-5061	8,750.00	141
03/31/22	49460	Layne Christensen Compa	23,479.40	Total Retainage-New Kofa Well	16-000-2271	23,479.40	141
Total 49460:			211,314.60				
Grand Totals:			371,783.41				

Report Criteria:

Report type: GL detail

Check.Check Number = 49382, 49409-49460

Quartzsite Town Council Meeting of
April 12, 2022

Expenditure-Revenue Overview

Horizon Community Bank -

****Check Series:**

Void 49382
49409-49420
49431-49460
49421-49430

(Accounts Payable)
(Accounts Payable)
(Accounts Payable)
(Payroll)

Balances on all cash accounts as of February 28, 2022

Operating Checking Account	\$	13,247,509
USDA Wastewater Checking Account	\$	258,539
Police Forfeiture Checking Account	\$	777
3511 Police Impound Checking Account	\$	4,602
Local Government Investment Pool (LGIP) Account	\$	746,722
Debt Reserve Account	\$	385,352

****Current Accounts Payable and Payroll Amounts**

Accounts Payable Total Dollar Amount	\$	371,783.41
Payroll Total Dollar Amount 1 cycle(s)	\$	86,749.13

YTD Revenue Totals

YTD Total Revenue Dollar Amount as of February 28, 2022	\$	6,221,148
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YTD Total Sewer and Water Revenue

YTD Total Sewer Cap Revenue as of February 28, 2022	\$	0.00
YTD Total Sewer Sales Revenue as of February 28, 2022	\$	838,220
YTD Total Water Cap Revenue as of February 28, 2022	\$	0
YTD Total Water Sales Revenue as of February 28, 2022	\$	812,260

4/4/22sfb

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, MARCH 22, 2022, 7:00 PM

CALL TO ORDER:

Vice Mayor Warner called the meeting to order at 7:00 p.m.

INVOCATION: Council Member Saxton gave the invocation.

PLEDGE OF ALLEGIANCE: The Denim n' Dust 4-H Club led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

ABSENT: Mayor Simpson

Staff Present: Jim Ferguson, Town Manager; Joe Estes, Town Attorney; Clay Romo, Chief of Police; Kiki Tunnell, Deputy Town Manager; Nicci Collier, Public Works Administrator/Public Information Officer; Tina Abriani, Town Clerk

1. CALL TO THE PUBLIC, ANNOUNCEMENTS AND COMMUNICATIONS FROM CITIZENS:

Chandra Berger spoke about the Town's water having changed, now there are water spots and clogging from calcium deposits. She shared that others in the community have the same comments. She asked if the annual water report would be forthcoming.

Vice Mayor Warner responded that the Council would consider that for a future agenda.

Marilyn McFate spoke about Mayor Simpson's role as Buck Connors and gave him accolades. She shared concerns about our fresh air, sunshine, water and infrastructure with the great number of trucks running, with fumes, on the Connor Airstrip. She asked that the Council think about our climate before it does any changing.

Chief Romo introduced Samantha Penninger, our newest Officer and a recent graduate of the Academy; he added that she lives in Quartzsite.

Officer Penninger gave thanks for opening the community to her, and so far, she loves it.

PRESENTATIONS; PROCLAMATIONS; REPORTS:

- 2. PRESENTATION** – Quartzsite Denim n' Dust 4-H Group to present updates from the La Paz County Fair.

Zander Barber, 4-H Club Denim n' Dust Reporter, introduced the slide show of scenes from the La Paz County Fair with the Club Members.

3. CONSENT AGENDA:

3-a. LEDGER OF ACCOUNTS PAID – Consider approval of Accounts Payable Checks Series #49346-49370, Void #49068, #49381-49408 totaling \$127,211.90

Payroll Check Series paid #49371-49380 totaling \$77,610.25

Grand Total – \$204,822.15

3-b. MINUTES – Consider approval of the following Town Council minutes:

- Regular Meeting of March 8, 2022

Council Member Schue moved to approve the Consent Agenda.

Council Member Amon seconded the motion.

Council Member BearCat asked for an explanation for a couple of Petty Cash items for Ironwood Outpost – Equipment and Repair.

Town Manager Ferguson responded that we had some equipment that needed to be sent back for repair, and we did it through Ironwood. It was noted they were UPS charges.

Council Member Saxton asked about the office furniture for the Court.

Town Manager Ferguson replied that the Judge purchased new furniture, and it is purchased from an account that is set aside for Court Enhancement. He stated it has to be approved by the state for those expenditures on improvements to the Court.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

BUSINESS:

4. LEAGUE OF ARIZONA CITIES AND TOWNS POLICY COMMITTEES – Review of the League's five Policy Committees and possible appointment of one voting member, an elected official, to each of the Committees.

- Budget, Finance and Economic Development (BFED)
- General Administration, Human Resources and Elections (GAHRE)
- Transportation, Infrastructure and Public Works (TIPW)

- Public Safety, Military Affairs and the Courts (PSMAC)
- Neighborhoods, Sustainability and Quality of Life (NSQL)

Town Manager Ferguson thanked those who have served on these Committees before. He explained that we try to get representation on these so we can follow the policies that are being recommended to the League, and those policies, when adopted, become a very important part of the legislative efforts for the following year. He told the Council we have the opportunity to either reappoint to the same committees or make a change.

Council Member Goldberg commented she would like to continue on the Neighborhoods, Sustainability and Quality of Life Policy Committee.

Council Member Schue commented he would like to continue on the Transportation, Infrastructure and Public Works Policy Committee.

Council Member Amon indicated she would like to continue on the General Administration, Human Resources and Elections Policy Committee.

Council Member BearCat commented she would like to continue on the Public Safety, Military Affairs and the Courts Policy Committee.

Council Member Saxton volunteered to serve on the Budget, Finance and Economic Development Policy Committee.

Council Member BearCat moved to approve as stated.

Council Member Schue seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

- 5. DISCUSSION TO MOVE TO A FOUR (4) DAY WORK WEEK** – Review, discuss, and possible approval of modifying Town Hall business hours starting March 28, 2022. Staff to place back on Council Agenda in October 2022 Council Meeting to determine if the Town continues with a four (4) day work week.

Town Manager Ferguson commented that it is already starting to slow down a little bit, and we are concerned about gas prices for our employees that are coming from other areas right now. He noted he wanted to try the four-day work week for a little longer period of time by starting it right away and run it until October. He commented that in October, he would bring it back to Council for consideration of, perhaps, continuing with the four-day work week with some areas still being open. He specified that Transit would continue to operate for five days, and we might look at a couple of other areas, especially during the season, for the vendors and that kind of thing.

It was clarified that the new schedule would be 7:00 a.m. to 6:00 p.m., Monday through Thursday. It was noted Law Enforcement would stay seven days a week, and the Community Center will continue to function as a cooling center.

In response to a question, Town Manager Ferguson stated the cooling center will continue to function, and they will be visiting a little more with the Senior Center and ensure that we will be O.K.

It was noted that last summer, there was a lot of confusion, and Town Manager Ferguson was asked if he would make clear with the Senior Center what is available and what is not available, what they are expected to do and what we are to do. Town Manager Ferguson responded that we will follow through on that.

Council Member Schue moved to approve the four-day work week, Monday through Thursday, 7:00 a.m. to 6:00 p.m., starting March 28th, and staff to place back on the council agenda in October 2022 to determine if the Town continues with a four-day work week.

Council Member Saxton seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

6. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 22-05 TO APPOINT A TRUSTEE(S) FOR THE QUARTZSITE EMPLOYMENT RETIREMENT PROGRAM.

Kiki Tunnell, Deputy Town Manager, advised that the Town of Quartzsite requires our retirement plan to have a trustee. She noted that in 2014, the Council acted to remove the two Trustees, Beverly Cunningham and Kay Kruen, and to add herself as Trustee. She explained that our retirement plan requires a trustee appointed by resolution. She explained that she has been acting as Trustee for years. She also explained what the Trustee appointment entails.

Council Member Goldberg moved to adopt Resolution Number 22-05 to approve Kiki Tunnell as Trustee for the Town of Quartzsite's retirement program and remove Beverly Cunningham and Kay Kruen as Trustees.

Council Member Schue seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

7. WACOG (WESTERN ARIZONA COUNCIL OF GOVERNMENTS) VACANCY –
Discussion and possible action to appoint a Quartzsite Council Member to serve on WACOG's Regional Council on Aging (RCOA).

Town Manager Ferguson noted that Bruce Swart was the last one he knows of to have served on WACOG's Regional Council on Aging.

Council Member Schue volunteered to serve on this Council.

Council Member Goldberg moved to appoint Steve Schue to serve on WACOG's Regional Council on Aging.

Council Member Amon seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

8. ED OPTIONS – Review, discussion and possible action to enter into an extension of the current lease arrangement and also authorize Town Manager to pursue a rental of space for QPD and Code Compliance.

Town Manager Ferguson noted they have been working, off and on, with Ed Options for some time with two issues. He commented that the extension that the Council offered runs out in July of this year, and Ed Options has asked to extend that time to July 1, 2025. He explained that in addition to that, they have been chatting about the two buildings they do not use at all. One building would take a lot of work to bring up to a certain standard; the other one is a very nice building that is divided in two, and is ready to move in.

Town Manager Ferguson commented he would like to chat with Ed Options about usage of that space. He noted there are some areas in Town Hall which are very crowded. He stated that Code Compliance is going to be bringing in one other position that is approved in the budget, but we have not filled yet because of watching to see where our revenues are. He explained that the office Code Compliance is in right now, will not work for two. He noted we believe that moving them to one-half of the Ed Options building would make a lot of sense. Once Code Compliance has vacated that office in Town Hall, the Transit Manager could move into it, thus, freeing up space for the Dispatcher and the Drivers. He spoke of giving more space to the Police Department.

Town Manager Ferguson advised the Council that we need to make some determination on what we want to do with Ed Options, both from the standpoint of the lease that exists as well as working out an arrangement to use part of that facility.

In response to a question, Town Manager Ferguson noted the Ed Options Lease expires July 1, 2022.

Council Member BearCat commented she would like to see the Town Manager craft a deal with Ed Options whereby both buildings would be used by the Police Department and that use be partially in lieu of the rent, or double the rent to help offset our costs.

There was discussion of the building that has not been updated needing support for the flooring, painting and restrooms. Town Manager Ferguson advised that Ed Options did say they would be willing to accommodate us and put in restrooms.

It was suggested that the Town Manager explore all options with Ed Options.

Larry Lord, of the public in attendance, asked if the current lease is at \$500 per month, and Town Manager Ferguson replied that is correct; it is a land lease. Mr. Lord then commented that is nowhere near market value for that property; he recommended that the Town not renew the lease period. Mr. Lord indicated there are other places, businesses and people in Town that would be more than happy to use a couple of those buildings that the Town does not use and receive an income from it.

Town Manager Ferguson stated we do not own the buildings; they own the buildings; it is our land and so it is a land lease.

Mr. Lord started to comment noting: if they do not renew the lease ...

Town Manager Ferguson interjected ... they have the right to take the buildings.

Responding to the question whether the lease could be brought up to market value in a new lease with annual increases for any escalation in that value, Town Manager Ferguson answered absolutely.

Town Manager Ferguson commented on market value for leasing the land, the Town possibly wanting to use the land in the near future, and possibly tying the extension to an increase.

It was suggested that the Town not put a hardship on the education process in its attempt to receive funds. There was discussion of the education schedule and the number of students who attend.

Town Manager Ferguson commented that Ed Durant of Ed Options is very desirous of continuing here in Quartzsite, and he wants to keep the school open. Town Manager Ferguson indicated he believes Mr. Durant will work with us and be fair with us. Town Manager Ferguson told the Council he will take a look at what the market value is and consider how much the rental fee would be for the buildings at market value.

Council Member BearCat moved to have the Town Manager craft a mutually agreed upon deal with Ed Options and then bring it back to Council to review.

Council Member Saxton seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

9. PROPOSED BUDGET CALENDAR – Review and possible approval of Proposed Budget Calendar.

Kiki Tunnell, Deputy Town Manager, told the Council they are proposing the budget calendar after having met with department heads. She commented we will still be waiting for numbers from the state, the preliminary numbers, and then the actual numbers will come in probably mid-May to the beginning of June. She explained that some of the dates are tentative. She reviewed the Proposed Budget Calendar with the Council.

There was a discussion about the last Strategic Planning Session. Town Manager Ferguson commented about reviewing those goals that the Council had set this last year, and just updating them.

Council Member Goldberg moved that we accept the Proposed Budget Calendar.

Council Member BearCat seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 6**)

Yes: Vice Mayor Warner, Council Member BearCat, Council Member Schue, Council Member Goldberg, Council Member Amon, Council Member Saxton

COMMUNICATIONS:

10. Reports from the MAYOR on current events.

Vice Mayor Warner commented on the Buck Connors Western Days Event as great, noting the vendors were happy and there were close to 4,000 people. She declared that we did a really great job this year, and having it in the spring helped keep people here. She added that everybody had a good time.

11. Reports from the COUNCIL on current events.

Council Member Goldberg commented that the Jade Street Band donated their time and they stayed for the event. She noted the vendors said they did better at Buck Connors than anywhere else this season for the two days, and the kids really enjoyed the 1880s Pioneer Experience. She announced Diamond the Camel did 123 rides, and some were donated. She reported that the Food Bank is still very busy.

Vice Mayor Warner congratulated everyone who helped with Buck Connors and commented that it is really appreciated.

Council Member BearCat thanked and congratulated the DARC Ham Club for the great job they did in parking and helping out in many areas they had not planned on helping out in, but they still picked it up and did it. She also congratulated and thanked all the volunteers unseen and unknown for helping to bring this off in a good way.

Council Member Saxton commented the Talent Show was a big hit, and he loaned them his sound equipment because they did not have any. He noted it was a great event and if they do it again next year, we will probably have some more entries because it was spectacular.

Council Member Amon commented that adding the Pioneer Experience really extended the family engagement in the project. She noted she thinks that was much appreciated.

12. Reports from the TOWN MANAGER on current events.

Town Manager Ferguson commented there was a lot of work done by a lot of people to make Buck Connors happen. He thanked his staff and the Council Members for their participation. He noted we started getting calls the next morning to schedule for next year, and we do not even have the dates, yet. He noted that, for the most part, the vendors were extremely pleased.

Town Manager Ferguson gave an update on the new well noting they are down 1,160 feet, just a hundred feet short. When the proper depth has been reached, the cameras will check it out, then they will start putting the casing in.

Town Manager Ferguson announced that the Town's new website is up, and he asked for feedback on it.

Town Manager Ferguson also announced that we still have an opening for a Community Member on WACOG's La Paz County Advisory Council. He told the Council we are going to advertise that, and probably bring it back at the next meeting. He commented that will be out on Facebook, and we will try to get as much attention to it as we can.

13. FUTURE AGENDA ITEMS

Council Member BearCat asked for a comprehensive well water report, and Council Member Schue concurred.

Council Member Schue requested a report on the Tier 1 Water Shortage we are going through in the State of Arizona, and Council Member BearCat concurred.

Council Member BearCat requested a report from the Special Projects, Inc. Board on their financial state, and how we did with the Buck Connors financially. Council Member Schue concurred.

Town Manager Ferguson told the Council we would like to request a Work Session to discuss the practice of considering adjustments and rebates for citizens who have broken water lines, they get them fixed, and then we work with them. He noted there is really nothing in writing concerning that. He would like the Council to take a look at information he will provide and adopt an official policy.

The Council decided to hold the Work Session at 5:30 p.m. on April 12, 2022, in the Council Chambers.

Vice Mayor Warner adjourned the meeting at 8:31 p.m.

ADJOURNMENT: 8:31 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of March 22, 2022, of the Town Council of Quartzsite, Arizona.

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

DATED this 12th day of April 2022.

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Norm Simpson, Mayor



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, April 12, 2022

Agenda Item: Consider adoption of Resolution No. 22-07 undertaking actions to affirmatively further fair housing in recognition of the Federal Fair Housing Act.

Summary: As a participant of the various programs funded by the U.S. Department of Housing & Urban Development (HUD), we are required to affirmatively further fair housing in Quartzsite. The Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing, and financing of housing or land to be used for the constructions of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, handicap, familial status or national origin. The adoption of a resolution to undertake actions to affirmatively further fair housing is required on an annual basis.

Budgeted? Not Applicable

Impact on Budget: None

Responsible Person: Jim Ferguson, Town Manager

Attachments: Fair Housing Brochures

Action Requested: Adopt Resolution No. 22-07, undertaking actions to affirmatively further fair housing in recognition of the Federal Fair Housing Act

About the ARIZONA DEPARTMENT OF HOUSING

The Arizona Department of Housing (ADOH) takes an active role in the education and training of housing providers and housing consumers to ensure awareness of fair housing laws. Housing providers and housing consumers who would like to attend a free training on the Fair Housing Act and learn their responsibilities and rights under the law may contact ADOH at 602/771-1000 and ask to speak with the Fair Housing Specialist.

Fair housing trainings and workshops are provided throughout the state of Arizona. At least four fair housing workshops are conducted within each of the 13 rural counties in Arizona per year, with Pima and Maricopa Counties receiving at least two workshops per year. Half of these workshops are geared toward housing professionals such as site managers, property owners, leasing agents, lenders, and housing authority staff. The other half are geared toward housing consumers; however, all classes are open to anyone that would like to attend. Continuing Education Units (CEU) for real estate professionals that need to fulfill this requirement are also provided.

IF YOU NEED HELP

The Southwest Fair Housing Council (SWFHC) was established in 1986. It is a non-profit, tax-exempt fair housing organization based in Tucson, Arizona, providing services throughout Arizona.

Tucson:

177 North Church St.
Tucson AZ 85701
520-798-1568

Phoenix:

323 W. Roosevelt St., #1008
Phoenix, AZ 85003
602-252-3423

888-624-4611 - TOLL FREE
520-670-0233 - TTY

IF YOU SUSPECT DISCRIMINATION

The Civil Rights Division of the Arizona Attorney General's Office investigates and resolves housing discrimination complaints. Anyone interested in filing a complaint should contact one of the following:

Phoenix:

Arizona Attorney General's Office
Civil Rights Division
2005 North Central Ave.
Phoenix, AZ 85004

602-542-5263 – GENERAL INTAKE LINE
602-542-5002 – TTY
877-491-5742 – TOLL FREE
877-624-8090 – TTY TOLL FREE

Tucson:

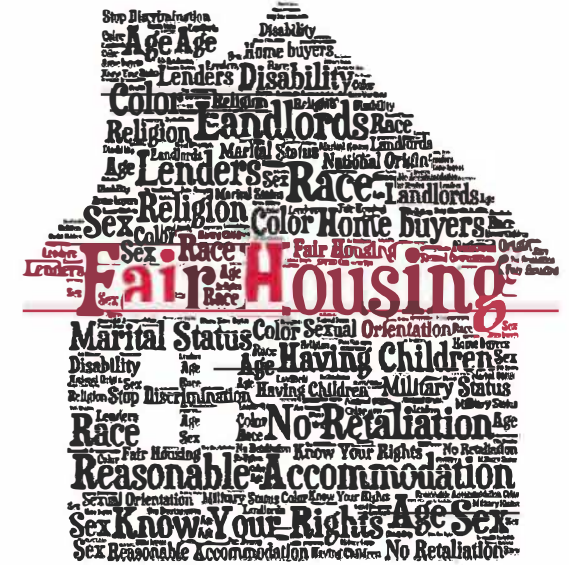
Arizona Attorney General's Office
Civil Rights Division
400 W. Congress, #315
Tucson, AZ 85701

520-628-6500 – GENERAL INTAKE LINE
520-628-6872 – TTY
877-491-5740 – TOLL FREE
877-881-7552 – TTY TOLL FREE



Arizona
Department
of Housing

1110 West Washington, Suite 280
Phoenix, AZ 85007
602-771-1000 PHONE 602-771-1001 TTY
www.azhousing.gov



FAIR HOUSING

Equal Opportunity for All
It's Not An Option...It's the Law



Arizona
Department
of Housing

WHAT EVERYONE SHOULD KNOW ABOUT FAIR HOUSING

The sale and purchase of a home is one of the most significant events that an individual will experience in their lifetime. It is more than the simple purchase of housing, for it directly impacts the hopes, dreams, aspirations, and economic destiny of those involved. It is for this reason that the Fair Housing Act and other federal and state laws were enacted to guarantee a right to a national housing market free from discrimination based on race, color, religion, sex, disability, familial status, and national origin.

THE LAW

Civil Rights Act of 1866 – The Civil Rights Act of 1866 prohibits all racial discrimination in the sale or rental of property.

Fair Housing Act – With the enactment of the US Civil Rights Act of 1968, fair housing rights became federal law. Title VIII of the Act, as amended by Congress in 1988 prohibits discrimination based upon the race, color, religion, sex, disability, familial status, or national origin of those seeking housing.

In Arizona, state fair housing laws are equivalent to federal law. In some communities, local housing ordinances make it illegal to deny housing based on age, marital status, or sexual orientation. These fair housing laws protect the right of each home seeker and provides equal opportunity in the purchase, sale, rental, leasing, financing, insuring, and advertising of housing.

WHAT HOUSING IS COVERED

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

HOUSING DISCRIMINATION STILL EXISTS

Despite a wide range of housing opportunities throughout Arizona, the doors of homes, apartments, mobile homes, and condominiums are closed to many because of illegal discrimination. Complaints to and testing by fair housing organizations in Arizona indicate that discrimination is a common practice, frequently undetected by home seekers who are unlawfully denied access to housing. You have the right to expect that housing will be available to you without discrimination or other limitations based on race, color, religion, sex, disability, familial status, or national origin.

SIGNS OF HOUSING DISCRIMINATION

- Refusing to sell, rent, or show available housing.
- Only showing housing in areas where other minorities live.
- Harassment or intimidation.
- Housing advertisements with discriminatory statements or displaying no minorities in group scenes.
- Differing terms for identical dwellings.
- Extensive questioning prior to offering or providing information about the availability of housing.
- Being told the dwellings is not appropriate for your family.
- Terms of availability change between phone contact and your visit.
- You are not contacted after the acceptance of your application.
- House or apartment has an “available” sign but you are told it is not available.
- Refusing to make reasonable accommodation or allow a modification to make the dwelling accessible for a person with a disability.
- Refusing to finance the purchase of a home or to write property insurance, or offering non-standard and unfavorable terms.

SECTION 504

Section 504 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency.

With respect to housing, a housing provider may not:

- Deny or refuse to sell or rent to a person with a disability.
- Impose application or qualification criteria that is different than those required of or provided to persons who are not disabled.
- Impose rental fees or sales prices, and rental or sale terms or conditions that are different than those required of or provided to persons who are not disabled.
- Require persons with disabilities to live only on certain floors
- Deny those with disabilities access to recreational or other public and common use facilities.
- Charge a higher security deposit to a person that uses a wheelchair

AMERICANS WITH DISABILITIES ACT (ADA)

Title II

Covers activities of public entities (state and local governments). It requires public entities to make both new and existing housing facilities accessible to persons with disabilities. Housing covered by Title II of the ADA includes, for example, public housing authorities that meet the ADA definition of “public entity,” and housing operated by States or local government, such as housing on a state university campus.

Title III

Requires that public and common use areas at housing developments are accessible.

LO QUE TODO EL MUNDO DEBE SABER ACERCA DE LA JUSTICIA EN VIVIENDAS

La venta y compra de una casa es uno de los eventos más significativos que un individuo experimentará durante su vida. Es más que una simple compra de una vivienda, porque impacta directamente las esperanzas, los sueños, las aspiraciones y el destino económico de los involucrados. Es por esta razón que el Acto de Justicia en Viviendas y otras leyes federales y estatales fueron promulgados para garantizar el derecho a un mercado de vivienda nacional libre de discriminación basada en raza, color, religión, sexo, incapacidad, estado familiar y origen nacional.

LA LEY

Civil Rights Act of 1866 — The Civil Rights Act of 1866 (El Acto de Derechos Civiles de 1866) prohíbe toda discriminación racial en la venta o alquiler de propiedad.

Acto de Justicia en Viviendas — Con la promulgación del US Acto de Derechos Civiles de 1968, derecho de justicia en viviendas pasó a ser ley federal. Título VIII del Acto, como enmendado por el Congreso en 1988 prohíbe discriminación basada en raza, color, religión, sexo, estado familiar, o origen nacional de los que buscan viviendas.

En Arizona, las leyes de justicia en viviendas son equivalentes a la ley federal. En algunas comunidades, las ordenanzas locales de viviendas hacen ilegal la negación de vivienda basada en la edad, estado matrimonial o orientación sexual. Estas leyes justas de vivienda protegen el derecho de cada buscador de vivienda y proporciona oportunidad igual en la compra, venta, alquiler, arrendamiento, financiación y anuncios de viviendas.

CUALES VIVIENDAS ESTÁN CUBIERTAS

El Acto de Justicia en Viviendas cubre casi todas las viviendas. En algunas circunstancias, el Acto exenta edificios ocupados por el dueño con no más de cuatro unidades, viviendas de una sola familia vendida o alquilada sin el uso de un agente, y viviendas operadas por organizaciones y clubes privados que limitan ocupación a los miembros.

DISCRIMINACIÓN EN VIVIENDAS TODAVÍA EXISTE

A pesar de la amplia escala de oportunidades por toda Arizona, las puertas de casas, apartamentos, casas móviles, y condominios están cerradas para muchas personas por causa de la discriminación ilegal. Quejas para y las pruebas por organizaciones de justicia en viviendas en Arizona indican que la discriminación es una práctica común, frecuentemente no descubierta por los que buscan viviendas que son negados ilegalmente acceso a viviendas. Usted tiene el derecho de esperar que viviendas sean disponibles para sí sin discriminación u otra limitación basada en raza, color, religión, sexo, incapacidad, estado familiar, u origen nacional.

SEÑALES DE DISCRIMINACIÓN DE VIVIENDAS

- Rehusar a vender, alquilar o mostrar viviendas disponibles.
- Solamente mostrar viviendas en áreas donde otras minoridades viven.
- Acoso o intimidación.
- Anuncios de viviendas con declaraciones discriminatorias o exhibiendo escenas de grupos sin minoridades.
- Diferentes condiciones para viviendas idénticas.
- Preguntas extensivas previo a ofrecer o fornecer información sobre la disponibilidad de viviendas.
- Siendo informado que la vivienda no es apropiada para su familia.
- Términos de disponibilidad cambian entre su contacto por teléfono y su visita.
- Usted no sea contactado después de la aceptación de su solicitud.
- La casa o el apartamento tiene un aviso de "disponibilidad" pero usted es avisado que no es disponible.
- Rehusando a hacer una acomodación razonable o permitir una modificación para una persona incapacitada.
- Rehusando a financiar la compra de una casa o a extender seguro de propiedad, o la oferta de términos que no sean normales o desfavorables.

SECCIÓN 504

La Sección 504 prohíbe discriminación en la base de incapacidad en cualquier programa o actividad que recibe auxilio financiero de cualquier agencia federal.

Con respecto a viviendas, un proveedor de viviendas no puede:

- Negar o rehusar a vender o alquilar para una persona con una incapacidad.
- Imponer un criterio de solicitud o calificación que sea diferente al que se requiere o es fornecido a personas que no sean incapacitadas.
- Imponer cuotas de alquiler o precios de venta y términos o condiciones de alquiler o venta que sean diferentes de los requeridos de o provistos para personas que no sean incapacitadas.
- Exigir personas incapacitadas a vivir solamente en ciertos pisos.
- Negar a las personas incapacitadas acceso a los servicios de recreo u otro uso público y común.
- Cobrar un depósito de seguro más alto para la persona que use una silla deruedas.

AMERICANS WITH DISABILITIES ACT (ADA) (ACTO DE AMERICANOS CON INCAPACIDADES)

Title II

Cubre las actividades de entidades (gobiernos estatales e locales). Requiere que las entidades públicas hagan accesibles las instalaciones de vivienda, tanto nuevas como ya existentes, a personas con incapacidad. Viviendas cubiertas por el Título II del ADA incluyen, por ejemplo, autoridades de viviendas públicas que llenen la definición de "entidad pública" del ADA y viviendas operadas por los Estados o gobierno local, tal como viviendas en el campus de una universidad estatal.

Title III

Requiere que las áreas públicas y de uso común en urbanizaciones sean accesibles.

RESOLUTION NO. 22-07

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUARTZSITE MAKING KNOW ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.

WHEREAS, the Housing and Community and Development Act of 1974 as amended requires that all applicants for Community Development Block Grant Funds certify that they shall affirmatively further fair housing; and

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS, fairness is the foundation of the American System and reflects traditional American values; and

WHEREAS, discriminatory housing practices undermine the strength and vitality of America and its people.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Town Council of Quartzsite hereby wish all persons living, working, doing business in or travelling through Quartzsite know that:

- Discrimination in the sale, rental, leasing and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion sex, disability, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and
- That it is the policy of the Town of Quartzsite to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability, familial status or national origin; and
- Within available resources the Town of Quartzsite will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, disability, familial status or national origin to seek equity under existing federal and state laws to file a complaint with the Arizona Attorney General's Office or the U.S. Department of Housing and Urban Development; and
- That the Town of Quartzsite shall publicize this Resolution and thereby encourage owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and
- That the Town of Quartzsite shall undertake the following actions to additionally "affirmatively further fair housing":
 1. Placement of Fair Housing Posters in Public Areas
 2. Copy of resolution published in the Parker Pioneer and posted

3. Letters to all local Realtors to include copy of Resolution, Fair Housing Poster and Brochure.

PASSED AND ADOPTED by the Mayor and Council of the Town of Quartzsite on this 12th day of April 2022.

APPROVED:

Norm Simpson, Mayor

ATTEST:

Tina Abriani, Town Clerk

APPROVED AS TO FORM:

Joseph D. Estes, Town Attorney



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, April 12, 2022

- Agenda Item:** **ARIZONA EXCISE TAX REVENUE REFUNDING OBLIGATION, SERIES 2022 - CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION APPROVING THE SALE AND EXECUTION AND DELIVERY OF EXCISE TAX REVENUE REFUNDING OBLIGATIONS, SERIES 2022, EVIDENCING PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN A PURCHASE AGREEMENT FROM THE TOWN; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH PURCHASE AGREEMENT AND OTHER NECESSARY AGREEMENTS FOR SUCH SALE; DELEGATING AUTHORITY TO DETERMINE CERTAIN MATTERS AND TERMS WITH RESPECT TO THE FOREGOING AND DECLARING AN EMERGENCY**
- Summary:** To refinance the Town of Quartzsite, Arizona Excise Tax Revenue Refunding Obligation, Series 2018, for a savings opportunity in annual debt service in water and wastewater.
- Responsible Person:** Jim Ferguson, Town Manager
- Attachments:** ● Resolution Number 22-06
● Third Excise Tax Purchase Agreement
● Third Excise Tax Trust Agreement
● Placement Agent Agreement
● Tax Compliance Procedures
- Action Requested:** **Motion to adopt Resolution Number 22-06 approving the sale and execution and delivery of Excise Tax Revenue Refunding Obligations, Series 2022.**

RESOLUTION NO. 22-06

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWN OF A THIRD EXCISE TAX PURCHASE AGREEMENT, A THIRD EXCISE TAX TRUST AGREEMENT AND OTHER NECESSARY AGREEMENTS, INSTRUMENTS AND DOCUMENTS; APPROVING THE SALE AND EXECUTION AND DELIVERY OF EXCISE TAX REVENUE REFUNDING OBLIGATIONS, SERIES 2022, EVIDENCING ALL THE INTERESTS OF THE OWNER THEREOF IN THE PAYMENTS TO BE MADE PURSUANT TO THE PURCHASE AGREEMENT; ADOPTING POST-ISSUANCE TAX COMPLIANCE PROCEDURES IN CONNECTION WITH ISSUANCE OF OBLIGATIONS OF THE TOWN; DELEGATING AUTHORITY TO THE MAYOR, MANAGER AND FINANCE DIRECTOR OF THE TOWN TO DETERMINE CERTAIN MATTERS AND TERMS WITH RESPECT TO THE FOREGOING; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DECLARING AN EMERGENCY

WHEREAS, the Mayor and Common Council of the Town of Quartzsite, Arizona (the "Town"), have determined to refinance the costs of certain water and wastewater system improvements (the "Prior Project"), by entering into a Third Excise Tax Purchase Agreement, to be dated as of the first day of the month of the dated date of the hereinafter described Obligations established as provided herein (the "Purchase Agreement"), with U.S. Bank Trust Company, National Association, as trustee (the "Trustee"), in its separate capacity as "Seller"; and

WHEREAS, in connection with the Purchase Agreement, the Mayor and Common Council of the Town have deemed it necessary and desirable to provide for the sale and execution and delivery of Excise Tax Revenue Refunding Obligations, Series 2022, as provided for by this Resolution (the "Obligations"), pursuant to the Third Excise Tax Trust Agreement, to be dated as of the first day of the month of the dated date of the Obligations (the "Trust Agreement"), between the Trustee and the Town, evidencing all the interests of the owner of the Obligations in payments to be made pursuant to the Purchase Agreement; and

WHEREAS, the payments represented by the Obligations will be secured by amounts received under the Purchase Agreement pursuant to which the Town will pledge the revenues from the Excise Taxes and the State Shared Revenues (as such terms are defined in the Trust Agreement); and

WHEREAS, the Mayor and Common Council of the Town will receive a proposal

from Stifel, Nicolaus & Company, Incorporated, serving in the capacity of and designated as the placement agent (the "Placement Agent"), and not acting as a municipal advisor as defined in the "Registration of Municipal Advisors" rule promulgated by the United States Securities and Exchange Commission, and has determined that the Obligations should be placed by the Placement Agent and pursuant to the Strategic Alliance of Volume Expenditures (SAVE) Cooperative Response Proposal #C-005-1718; and

WHEREAS, the Placement Agent will submit such proposal to place the Obligations pursuant to a Placement Agent Agreement, in substantially the form presented at the meeting at which this Resolution was adopted, to be dated the date of placement of the Obligations (the "Placement Contract"), by and between the Town and the Placement Agent; and

WHEREAS, pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations promulgated thereunder (the "Regulations"), issuers of obligations, the interest on which is intended to be excludable from the gross income of the owners thereof for federal income tax purposes (the "Tax-Exempt Obligations"), are required to establish policies and procedures to ensure compliance with the applicable provisions of the Code and the Regulations; and

WHEREAS, the Mayor and Common Council of the Town hereby determine that procedures should be adopted in order to ensure that Tax-Exempt Obligations issued by the Town comply with the provisions of the Code and the Regulations (the "Procedures"); and

WHEREAS, there have been presented to the Mayor and Common Council of the Town at the meeting at which this Resolution is being adopted the proposed forms of: (1) the Purchase Agreement; (2) the Trust Agreement; (3) the Placement Contract; and (4) the Procedures; and

WHEREAS, refinancing the costs of the Prior Project pursuant to the Purchase Agreement is in furtherance of the purposes of the Town and in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, THAT:

Section 1. (a) The execution and delivery of the Obligations by the Trustee is approved.

(b) The Mayor, the Manager and the Finance Director of the Town, or the designees of any of them (collectively, the "Authorized Representatives"), are each authorized to determine on behalf of the Town: (1) the date the Obligations are to be sold to the 2022 Purchaser (as defined herein); (2) the aggregate principal amount of the Obligations (but not to exceed \$4,650,000 aggregate principal amount); (3) the date the Obligations are to be dated; (4) the dates on which interest on the Obligations is to be payable and the interest rates per annum the Obligations are to bear (but, except in the case of taxability, not greater than two and one-half percent (2.5%)); (5) the dates the Obligations are to be payable, but not later than July 1, 2033, the principal amounts to be payable on such dates and the provisions for prepayment thereof in advance of such dates; (6) the provisions for prepayment of the obligation that financed the Prior

Project (the “Obligation Being Prepaid”), including the method of prepayment and the amounts and dates of prepayment thereof; and (7) the terms upon which the Obligations are to be sold (including determinations of price and original issue discount and premium); provided, however, that the present value savings resulting from the foregoing, net of all costs, shall be at least three percent (3%) of the principal amount of the Obligation Being Prepaid.

(c) The Authorized Representatives are further each hereby authorized to determine on behalf of the Town whether the purchase of an insurance policy securing payment of the Obligations or a surety bond or other reserve fund guaranty would be advantageous to the Town or the terms of the financing represented by the Obligations. The Authorized Representatives are further each hereby authorized to negotiate with and secure, with proceeds of the Obligations or otherwise, such an insurance policy or a reserve fund guaranty, or both, from one or more institutions, the claims-paying ability of which are then assigned one of the two highest rating categories by a nationally recognized credit rating agency. The Authorized Representatives are further each hereby authorized to execute and deliver any instruments or documents necessary in connection with the purchase of any such insurance policy and/or reserve fund guaranty, including those making provision for the repayment of amounts advanced by the institutions issuing such insurance policy and/or reserve fund guaranty.

(d) The form and other terms of the Obligations, including the provisions for the signatures, authentication, payment, registration, transfer, exchange, prepayment and number shall be as set forth in the Trust Agreement and are approved.

(e) The Procedures are hereby adopted to establish policies and procedures related to the purposes set forth in the Recitals hereto. The right to use discretion as necessary and appropriate to make exceptions or request additional provisions with respect to the Procedures as may be determined is hereby reserved. The right to change the Procedures from time to time, without notice, is also reserved.

Section 2. The Obligations are to be placed with a purchaser (the “2022 Purchaser”), pursuant to the terms of the Placement Contract as such terms are to be determined as provided hereinabove.

Section 3. The forms, terms and provisions of the Purchase Agreement, the Trust Agreement and the Placement Contract, in substantially the forms of such documents (including the Obligations and other exhibits thereto) presented at the meeting of the Mayor and Common Council of the Town at which this Resolution is being adopted, are approved, with such final provisions, insertions, deletions and changes as determined as provided hereinabove and shall be approved by the Mayor of the Town, any other member of the Common Council, and, in the case of the Placement Contract, the Authorized Representatives, the execution of each such document being conclusive evidence of such approval. The Mayor of the Town or any other member of the Common Council and, in the case of the Placement Contract, the Authorized Representatives, and the Clerk of the Town, where applicable, are authorized and directed, for and on behalf of the Town, to execute and deliver and attest or approve the Purchase Agreement, the Trust Agreement, the Escrow Trust Agreement and the Placement Contract and to take all action to carry out and comply with the terms of such documents.

Section 4. The Trustee (including in its capacity as Seller) is requested to take any and all action necessary in connection with the execution and delivery of the Purchase Agreement and the Trust Agreement and the sale and execution and delivery of the Obligations and is further authorized and directed to take such action as may be reasonable for the administration of the trusts so held by it.

Section 5. The covenants and agreements contained the Purchase Agreement as to the pledge of and the lien on the revenues from the Excise Taxes and the State Shared Revenues and the restriction on the issuance of further parity obligations secured by the revenues from the Excise Taxes and the State Shared Revenues are approved and confirmed.

Section 6. The Authorized Representatives and other officers of the Town, on behalf of the Town, are authorized and directed, without further order of the Mayor and Common Council of the Town, to do all such acts and things and to execute and deliver all such certificates, proceedings, agreements and other documents as may be necessary or convenient to be executed and delivered on behalf of the Town (including entering into any agreements for administrative or procedural requirements requested by the 2022 Purchaser), to evidence compliance with, or further the purposes of, all the terms and conditions of this Resolution and as may be necessary to carry out the terms and intent of this Resolution.

Section 7. All actions of the officers and agents of the Town which conform to the purposes and intent of this Resolution and which further the sale and execution and delivery of the Obligations as contemplated by this Resolution, whether heretofore or hereafter taken, are ratified, confirmed and approved.

Section 8. If any section, paragraph, clause or phrase of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or phrase shall not affect any of the remaining provisions of this Resolution. All orders, resolutions and ordinances or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency. This waiver shall not be construed as reviving any order, resolution or ordinance or any part thereof.

Section 9. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety of the Town for the reason that the Obligations authorized herein must be sold immediately to secure the best, available economic terms therefor; an emergency is, therefor, declared to exist, and this Resolution is enacted as an emergency and shall be in full force and effect immediately upon its passage by the Mayor and Common Council of the Town, as required by law, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona. If this Resolution is not approved by the affirmative vote of three-fourths of all the members of the Mayor and Common Council of the Town and also approved by the Mayor of the Town, the foregoing declaration of an emergency shall be inoperative and this Resolution shall not become operative until thirty days after its passage. After any of the Obligations are delivered by the Trustee to the 2022 Purchaser and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the Obligations and the interest and premium, if any, thereon shall have been fully paid, cancelled and discharged.

PASSED, APPROVED and ADOPTED by the Mayor and Common Council of the Town of Quartzsite, Arizona, this 12th day of April 2022.

.....
Mayor

ATTEST:

.....
Town Clerk

APPROVED AS TO FORM:

.....
Greenberg Traurig, LLP, Special Counsel

CERTIFICATION

I hereby certify that the foregoing Resolution No. was duly passed and adopted by the Mayor and Common Council of the Town of Quartzsite, Arizona, at a regular meeting held on the 12th day of April 2022, and the vote was ayes and nays.

.....
Town Clerk



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, April 12, 2022

Agenda Item: **DESERT GARDEN HOLDINGS, LLC REZONE** – Discussion and possible action to approve Rezone Application #8910 - Desert Garden Holdings, LLC request to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Summary: Desert Garden Holdings LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

An inspection of the general vicinity near the subject parcel reveals that property due east is zoned Mobile Home Subdivision (MHS), to the west and northwest is zoned General Commercial (C-2), and a small parcel to the northeast owned by ADOT is zoned Heavy Industrial (HI). The Heavy Commercial uses being proposed by the applicant are not spot zoning due to their proximity to existing commercial uses.

The 2014 Quartzsite General Plan Land Use Map indicates identical residential land uses as shown on the town zoning map which does not account for the historical, ongoing commercial uses on the property. The proposed higher intensity use of C-3, while not reflected in the 2014 General Plan, can be accommodated with appropriate mitigation measures.

Responsible Person: Jim Ferguson, Town Manager

Attachments:

- Staff Report and Property map showing the rezoned parcels
- DRAFT Minutes of the March 15, 2022 Planning and Zoning Commission Regular Meeting

Action Requested: **Motion** to approve Rezone Application #8910 - Desert Garden Holdings, LLC request to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Staff Report for April 12, 2022 Regular Council Meeting

Application Fee: \$250.00

Case No.: 8910

Applicant's Name: Desert Garden Holdings LLC

Mailing Address: PO Box 1132

City: Avondale **State:** AZ **Zip:** 85323

Physical Location: 1240 Acacia Road, Quartzsite

APN No. 306-29-0100 and 306-24-004C and 306-27-035D

Legal Description: See attached legal descriptions: Exhibit's A-C.

Parcel Size or Dimensions: 140 acres

Nature of Request: Desert Garden Holdings LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Existing Zoning: SR

Current Usage: RV Park, Commercial

Citizens Review Meeting: January 14, 2022, see attached report.

Date Public Hearing Notice Posted: January 26, 2022

OTHER PLANNING CONSIDERATIONS:

The extent to which the proposal is consistent with the General Plan, Other Town Regulations, Policies and Procedures:

General character of neighborhood at present: An inspection of the general vicinity near the subject parcel reveals that property due east is zoned Mobile Home Subdivision (MHS), to the west and northwest is zoned General Commercial (C-2), and a small parcel to the northeast owned by ADOT is zoned Heavy Industrial (HI). The Applicant's request is consistent with bringing commercial uses historically on the property into zoning conformity. The Heavy Commercial (C-3) is new to the area.

The 2014 Quartzsite General Plan Land Use Map indicates identical residential land uses as shown on the town zoning map which does not account for the historical, ongoing commercial uses on the property. The proposed higher intensity use of C-3, while not reflected in the 2014 General Plan, can be accommodated with appropriate mitigation measures.

Effect on surrounding properties: The rezoning is proposing some Heavy Commercial (C-3) which can have negative impacts on adjacent residential properties unless mitigating factors are taken into consideration. These factors can include adequate setbacks, buffers such as interior building soundproofing, separations caused by installation of streets, and open space landscaping.

Spot zoning does not apply to the commercial zoning due to the existing RV Park, which is a higher density type of residential use, and the two Heavy Commercial areas being adjacent to the ADOT yard and Love's Truck Stop.

Affected Land Use Regulation(s): The following land use regulations are applicable to this application:

- Zoning Article IV, ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES, Sections 1 & 2.
This Article identifies and defines each of the zoning districts.
- Zoning Article V, USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT, Sections 1 & 2.
This Article more broadly defines and lists types of activities allowed within each zoning district.
- Zoning Article VI, DENSITY SCHEDULE AND ADDITIONAL REQUIREMENTS, Sections 1 & 2.
This Article lists specific regulations, such as setback distances and lot areas, required for activities within each zoning district.

Regulatory Requirements: The following regulations are involved:

- Development Procedures Ordinance updated 10-22-2019.
This section spells out the public review process and the specific steps required for review and approval of development plans.

- Town Code Chapter 153 – Floodplain Management Regulations.
This section regulates development activities to reduce flood hazards in the community.
- Zoning Code Article XV, ZONE CHANGES OR AMENDMENTS
This Article explains the process and procedures required for zone changes or general plan amendments.

Staff summary:

The application to rezone the property generally described as the Desert Gardens area will bring historically commercial uses on the property into conformity with the Town Zoning Code. The Heavy Commercial uses being proposed in two separate areas by the applicant are not spot zoning due to their proximity to existing commercial uses.

Cliff O'Neill

Date 3/24/2022

Cliff O'Neill

Date Action Taken by Planning and Zoning Commission: March 15, 2022

Action taken by Commission: 4 Approved 0 Denied 1 Recused

Stipulations/Conditions Any development on the property will have to follow all local, state and federal development regulations.

Date action taken by Council: _____

Action taken by Council: _____ Approved _____ Denied _____ Absent

Stipulations/Conditions _____

Staff Report for April 12, 2022 Regular Council Meeting

Application Fee: \$250.00

Case No.: 8910

Applicant's Name: Desert Garden Holdings LLC

Mailing Address: PO Box 1132

City: Avondale **State:** AZ **Zip:** 85323

Physical Location: 1240 Acacia Road, Quartzsite

APN No. 306-29-010O and 306-24-004C and 306-27-035D

Legal Description: See attached legal descriptions: Exhibit's A-C.

Parcel Size or Dimensions: 140 acres

Nature of Request: Desert Garden Holdings LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Existing Zoning: SR

Current Usage: RV Park, Commercial

Citizens Review Meeting: January 14, 2022, see attached report.

Date Public Hearing Notice Posted: January 26, 2022

OTHER PLANNING CONSIDERATIONS:

The extent to which the proposal is consistent with the General Plan, Other Town Regulations, Policies and Procedures:

General character of neighborhood at present: An inspection of the general vicinity near the subject parcel reveals that property due east is zoned Mobile Home Subdivision (MHS), to the west and northwest is zoned General Commercial (C-2), and a small parcel to the northeast owned by ADOT is zoned Heavy Industrial (HI). The Applicant's request is consistent with bringing commercial uses historically on the property into zoning conformity. The Heavy Commercial (C-3) is new to the area.

The 2014 Quartzsite General Plan Land Use Map indicates identical residential land uses as shown on the town zoning map which does not account for the historical, ongoing commercial uses on the property. The proposed higher intensity use of C-3, while not reflected in the 2014 General Plan, can be accommodated with appropriate mitigation measures.

Effect on surrounding properties: The rezoning is proposing some Heavy Commercial (C-3) which can have negative impacts on adjacent residential properties unless mitigating factors are taken into consideration. These factors can include adequate setbacks, buffers such as interior building soundproofing, separations caused by installation of streets, and open space landscaping.

Spot zoning does not apply to the commercial zoning due to the existing RV Park, which is a higher density type of residential use, and the two Heavy Commercial areas being adjacent to the ADOT yard and Love's Truck Stop.

Affected Land Use Regulation(s): The following land use regulations are applicable to this application:

- Zoning Article IV, ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES, Sections 1 & 2.
This Article identifies and defines each of the zoning districts.
- Zoning Article V, USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT, Sections 1 & 2.
This Article more broadly defines and lists types of activities allowed within each zoning district.
- Zoning Article VI, DENSITY SCHEDULE AND ADDITIONAL REQUIREMENTS, Sections 1 & 2.
This Article lists specific regulations, such as setback distances and lot areas, required for activities within each zoning district.

Regulatory Requirements: The following regulations are involved:

- Development Procedures Ordinance updated 10-22-2019.
This section spells out the public review process and the specific steps required for review and approval of development plans.

- Town Code Chapter 153 – Floodplain Management Regulations.
This section regulates development activities to reduce flood hazards in the community.

- Zoning Code Article XV, ZONE CHANGES OR AMENDMENTS
This Article explains the process and procedures required for zone changes or general plan amendments.

Staff summary:

The application to rezone the property generally described as the Desert Gardens area will bring historically commercial uses on the property into conformity with the Town Zoning Code. The Heavy Commercial uses being proposed in two separate areas by the applicant are not spot zoning due to their proximity to existing commercial uses.

Cliff O'Neill

Cliff O'Neill

Date 3/24/2022

Date Action Taken by Planning and Zoning Commission: March 15, 2022

Action taken by Commission: 4 Approved 0 Denied 1 Recused

Stipulations/Conditions Any development on the property will have to follow all local, state and federal development regulations.

Date action taken by Council: _____

Action taken by Council: _____ Approved _____ Denied _____ Absent

Stipulations/Conditions _____

**TOWN OF QUARTZSITE
MINUTES
of the
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MARCH 15, 2022, 7:00 P.M.**

CALL TO ORDER: 7:00 p.m.

Chairperson Collier called the Regular Meeting to order at 7:00 p.m.

INVOCATION: No invocation given.

PLEDGE OF ALLEGIANCE: Chairperson Collier led the Pledge of Allegiance.

ROLL CALL:

Chairperson David Collier, present
Vice Chairperson vacant
Commissioner Nancy Nichols, present
Commissioner Paul Bigley, present
Commissioner James Peterson, present
Commissioner Larry Lord, present
Commissioner vacant

Staff Present: Jim Ferguson, Town Manager; Cliff O'Neill, Consultant; John Gaylord, Town Attorney; Tracey Hess, Building Inspector; Nicci Collier, Public Works Administrator/Public Information Officer; Tina Abriani, Town Clerk

1. CALL TO THE PUBLIC, ANNOUNCEMENTS AND COMMUNICATIONS FROM CITIZENS

Marilyn McFate spoke about having been on ADEQ's working boards, zoning decisions of the past, and critical concerns when establishing zoning.

PUBLIC HEARING

2. The Public Hearing consisted of the following item:

Rezone Application #8910 – Desert Garden Holdings LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Cynthia Mancha with the Holt Group and speaking for Desert Garden Holdings gave a presentation on the Rezone Application noting they are looking for the 140 acres to be transitioned from the existing Suburban Ranch Zoning, SR, to C-3 and C-2. She stated their request is that the rezoning just be changed to be compliant with the existing General Plan and the general land use that is consistent

with that area. Further, she stated that, currently, there are no plans to develop that area, and any future development would come to the Commission and go through the Town approval process and include any hydrology, air mitigation and traffic control studies.

Sydney Albano, homeowner in Q Mountain, shared his concerns with the rezoning including drainage problems, and he stated he opposes the C-2 and C-3.

Chandra Berger commented that Desert Gardens is just one of the areas in the proposed rezone, and basically all of Kuehn is open and could be under the same influence. She shared her concern with people seeing the Town as ugly with the commercial. She asked if the proposal has changed since the one in October, and she asked who proposed the change.

Janet Collier, resident of Q Mountain Vista, shared concerns with their flooding and water situation as well as other impacts on the residents. She commented that she thought there needs to be communication and a guarantee as part of the development process including that they will address the wash situation and not create a flood situation.

Cynthia Mancha reiterated that this is just a request to comply with the existing land use that is designated in the General Plan, and at any future date when and if a developer does want to develop, that is a conversation that can happen with this Commission and the Town to create development agreements.

Marilyn McFate suggested that a study be done on the older land use for our Town as well as of the intent of those folks, who were very smart in engineering, in keeping our air and water quality. She stated she opposes the zoning change.

Kay Mooring stated she opposes the proposed changes. She commented that this zoning is found in the north of Town, She spoke of concerns with big trucks coming through in the future because the Town is a good stopping point between Los Angeles and Phoenix.

Lynn Stimson, living in Q Mountain now, shared her concerns that if we put in this Light Industrial zoning, questions will arise about who will work there and where they will go to school. She questioned if the developers would pay to get the water on that side of the freeway and noted there is no well there. She explained that the wind blows from the northwest in the winter and from the dead south in the summer – right into this valley and stays here because it butts up right against the mountain. She commented that she can appreciate the owners wanting to sell it to a developer, and she asked if that development is going to be good for Quartzsite.

Dana Tague, full time resident at the Q, noted that he thinks the biggest problem to be faced with the proposal is that they, as residents, do not know what the change really is and how it will impact the wash, the water and those who live there. He noted Quartzsite has to grow, and he asked if this is the right place. He commented that there is a traffic issue on Kuehn, and the overpass cannot handle what we have presently.

Chairperson Collier closed the Public Hearing.

BUSINESS

3. **MINUTES** – Consider approval of the minutes of the Planning and Zoning Commission Special Meeting of October 6, 2021.

Commissioner Nichols moved to approve the minutes from the Planning and Zoning Commission Meeting for October 6th, 2021.

Commissioner Peterson seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 5**)

Yes: Chairperson Collier, Commissioner Nichols, Commissioner Bigley, Commissioner Peterson, Commissioner Lord

4. **MINUTES** – Consider approval of the minutes of the Planning and Zoning Commission Regular Meeting of October 19, 2021.

Commissioner Bigley moved to approve the minutes of the Planning and Zoning Commission Regular Meeting of October 19th, 2021.

Commissioner Peterson seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 5**)

Yes: Chairperson Collier, Commissioner Nichols, Commissioner Bigley, Commissioner Peterson, Commissioner Lord

5. **ELECT CHAIRPERSON** – The Town Code of Ordinances, Chapter 155: Zoning, Zoning Article XXI – Planning and Zoning Commission, Section 4 Organization, Paragraph 1 states that Officers of the Commission shall consist of a Chairman and a Vice-Chairman, elected among its Members, who shall serve for one (1) year terms. The Vice-Chairman shall perform the duties of the Chairman in the Chairman’s absence or disability, and Officers shall not serve in the same capacity for consecutive terms, with new officers being elected each year.

Town Manager Ferguson clarified that this rule goes into effect after 30 days from the passage of this which took place at the last Council meeting. He commented that it is, apparently, the desire of the Council, on a unanimous basis, to rotate the Chairmanship. He explained that the Commission could postpone this for one month or act on it tonight and it would be for one year.

Commissioner Lord commented that the current Chairman, Mr. Collier, has the knowledge and the experience here.

Commissioner Lord moved to keep him as the Chairman.

Commissioner Peterson seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 5**)

Yes: Chairperson Collier, Commissioner Nichols, Commissioner Bigley, Commissioner Peterson, Commissioner Lord

6. **ELECT VICE-CHAIR** – The Town Code of Ordinances, Chapter 155: Zoning, Zoning Article XXI – Planning and Zoning Commission, Section 4 Organization, Paragraph 1 states that Officers of the Commission shall consist of a Chairman and a Vice-Chairman, elected among its Members, who shall serve for one (1) year terms. The Vice-Chairman shall perform the duties of the Chairman in the Chairman’s absence or disability, and Officers shall not serve in the same capacity for consecutive terms, with new officers being elected each year.

Commissioner Lord commented that he thinks Nancy Nichols has the experience and knowledge and would make a good Vice Chair.

Commissioner Lord moved to have Nancy Nichols be the Vice Chair.

Commissioner Bigley seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 5**)

Yes: Chairperson Collier, Commissioner Nichols, Commissioner Bigley, Commissioner Peterson, Commissioner Lord

7. **Rezone Application #8910** – Desert Garden Holdings LLC has applied to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Chairperson Collier recused himself due to a conflict of interest because he owns property in Q Mountain Estates, lives within 300 feet of the property in question, and is the Chairman of the Board for Q Mountain Estates. Vice Chairperson Nichols acted as the Chairperson for this part of the meeting.

There was discussion of the possibility of a tie vote and the result of such.

Town Manager Ferguson made an opening comment that it is important that it be kept in perspective that this is a rezoning request, and not a development review. He stated this is a request from the property owner and they have the right to request rezoning of their property.

Cliff O’Neill, Consultant, directed the Commission’s attention to the Staff Report and reviewed the criteria for the Applicant. He noted there is some confusion because we have previously discussed rezoning the same property with a different applicant for different zoning.

Mr. O’Neill explained that this is a new application by the property owner, to bring the property into compliance, as close as possible, with the usage on the property. He added that the General Plan has always shown this area as residential. He listed some of the usage in this area that is not compliant with SR zoning. He gave a detailed overview of the Desert Gardens Rezone Map, as it was displayed during the meeting. It was noted there is no Light Industrial in this application, as there was in the previous application.

Mr. O’Neill noted there is an existing right-of-way for Kofa Avenue, which goes from north to south, which is not wide enough. He stated the Town has communicated to the developer that once development occurs, that will need to be expanded to a minimum 80-foot right-of-way, but it is not a requirement of the zoning because there are no current development plans.

Mr. O'Neill announced the Town has recently updated and adopted a new Subdivision Code. He noted that when there are six or more lots created from an existing parcel, they have to follow the Subdivision Code. He explained some of the major changes in the new Subdivision Code, as opposed to the old code, including that it now comes under public review. He noted that it goes before the Commission with all of the public hearing notices and the letters to owners of property within 300 feet, followed by a Preliminary Plat Review and a Final Plat Review. He commented that both Plat Reviews are public processes that involve the Commission.

Mr. O'Neill stated we have had conversation with the developer about Quartzsite Boulevard, a privately-owned road, and if and when development occurs, we would like to see a 100-foot right-of-way. He added that we have had those discussions, and those requirements would be included in a development agreement when development occurs. He noted that for the rezoning, all they are doing is bringing the current usage on the parcel, into compliance with the Zoning Code.

In response to a question, Mr. O'Neill explained that the newly created C-3 Heavy Commercial Zone, defined in Article IV of the Zoning Code, allows everything in C-2 and is primarily for more industrial light manufacturing type enterprises that primarily occur inside of a building. He commented that C-3 includes truck stops and is more heavily regulated by Building Codes. He explained there is an attempt to create an intermediate zone between General Commercial and Light Industrial. It was noted that higher traffic and noise are expected in C-3.

Mr. O'Neill commented that one of the 'automatics' that occurs between any commercial zone and residential property is that they have to put up a six-foot block wall. He referenced concerns about the wash, talked about land within the floodplain and floodplain requirements. He indicated that whatever development plan is going to come up before us, they will have to address these issues.

Commissioner Lord commented that the wash being dealt with by the developers may be to the advantage of Q Mountain residents.

Commissioner Lord commented that this is a rezone issue not a development issue, and if this does get to development, he is aware of the issues and will be one of the Planning and Zoning Commissioners that will be talking about buffer zones, block walls, and screening when development is being discussed. He noted that development may be beneficial for everyone for water, sewer, dirt and dust issues. He commented to the public that he will be on their side when any development comes up.

Kay Mooring commented that washes are usually governed by the Army Corps of Engineers because they are the ones who are in charge.

Town Manager Ferguson countered that it is true of many of the washes, but not all, and that is a development issue, not a zoning issue. He commented that we talk to the Army Corps of Engineers every time there is a wash that is impacted by development in the Town, even the smallest of developments.

Marilyn McFate shared her concern with the archeological spots and the old airport. She asked if the owners or developers are aware of this.

Mr. Tyler asked if there should be a plan first and if rezoning is putting the cart before the horse. He also asked why there is a rezone request at all, if they do not know what they want to do with it.

Vice Chair Nichols stated the request from the property owner is to have it rezoned to bring it into compliance for its current use.

Dennis Kuehl, representing the landowner, gave the Commission some history on the zoning issue using the map displayed to everyone. He indicated that the owner has 140 acres of Suburban Ranch Area and is operating commercial businesses, so the use is not in compliance with the map. He also noted there was a potential buyer who requested rezoning for what he wanted, but it did not go through. He commented that the 140 acres is an island amongst commercial properties, and they have no intent to develop the land in the future, to his knowledge.

Ms. Mancha stated they are working with the developer to work directly with the Army Corps of Engineers to address those wash concerns and address any flood mitigation measures that may not only benefit the existing development but any future development.

Mike Glover described and explained some of the map details and noted what happens when it floods. He shared the non-pretty sight he sees from his back yard. He spoke of the RV Park and noted this will be an island if this rezoning passes. He asked that the Commission consider carefully that we do not create another wrong. He also spoke of reviewing past plans from about 12 years ago concerning drilling on the south side of Interstate 10.

Chandra Berger spoke about the Mobile Home Park not currently being surrounded by commercial property as was indicated during the meeting.

Commissioner Lord asked Mr. Glover a question about the location, on the map, of a chain link fence and what is creating a dam.

Vice Chair Nichols reiterated this is just a request for rezoning, and reminded everybody there is no planned development; they are just looking to rezone to bring it into compliance for its current use.

Commissioner Lord moved to approve the zone change.

Commissioner Bigley seconded the motion.

Vote: **MOTION CARRIED** (summary: **Yes = 5**)

Yes: Chairperson Collier, Vice-Chair Nichols, Commissioner Bigley, Commissioner Peterson, Commissioner Lord

8. **EXECUTIVE SESSION** - An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney.

This Item was not needed.

9. Direction to the Town Attorney.

This Item was not needed.

Chairperson Collier returned to his seat on the dais.

COMMUNICATIONS:

10. Reports from the Chairperson on current events.

Chairperson Collier announced Buck Connors is coming up this weekend.

11. Reports from the Commissioners on current events.

Commissioner Lord commented on Buck Connors noting we have really good bands coming out this time; there will be camel rides, kites, spinners and a car show.

12. Reports from Staff.

Tracey Hess, Building Inspector, reported that for the month of February, there was a total of 20 permits pulled with 18 of those being Building Permits and 2 being Electrical Permits. She noted that the new Terrible's gas station should be open, hopefully, this weekend. She commented that we have an expansion of some storage facilities on the east end of Town.

Town Manager Ferguson announced the new well is coming along very nicely. He explained it was created for redundancy.

13. FUTURE AGENDA ITEMS – Direction to staff.

Commissioner Lord requested that the General Plan be an agenda item very, very soon. He also mentioned that we need to get ahead of the road issues.

Town Manager Ferguson commented that we need to get a little more training, especially for the new Commissioners. He noted it would be nice for the Commission to get a bigger picture of some of the other things that are in the works, other than the brief report they just heard. He added he believes we need to start getting down to the infrastructure issues. He stated the Commission has a five-year plan, and they need to know what that five-year plan is. He told the Commission, let us prepare that for you so we can bring you up to speed, and then you can begin to determine where you feel things might be either focused or refocused because the Council will be getting into their budget session. He added that we want those items on the Commission's next couple of agendas.

Vice Chair Nichols asked if the Commission could get a time schedule for a Commission training session.

Town Manager Ferguson responded that he thought they could get it at their next regular meeting.

Commissioner Lord asked for a large-scale map of the Town, either digitally or in print, for each Commissioner.

Town Manager Ferguson replied we will work on it.

There was some discussion of what the map should show, especially roads.

Chairperson Collier adjourned the meeting at 8:19 p.m.

ADJOURNMENT: 8:19 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the March 15, 2022, meeting of the Planning and Zoning Commission of the Town of Quartzsite, Arizona.

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

DATED this _____ day of _____ 2022.

Tina Abriani, Town Clerk

On behalf of the Commission,

Approved:

Chairperson



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, April 12, 2022

- Agenda Item:** LA PAZ COUNTY IGA FOR BUILDING INSPECTIONS – Discussion and possible action to approve an Intergovernmental Agreement, IGA, with La Paz County for Town of Quartzsite Building Inspector Services.
- Summary:** La Paz County Community Development is asking for an IGA to help assist with inspection on an as needed basis. The service areas are La Paz Valley, Rainbow Acres and Salome.
- Budgeted?** No
- Impact on Budget?** Unknown
- Responsible Person:** Tracey Hess, Community Development
- Attachments:** Intergovernmental Agreement with La Paz County
- Action Requested:** **Motion** to approve an IGA with La Paz County for the Town's assistance with inspections in La Paz Valley, Rainbow Acres and Salome on an as-needed basis.

INTERGOVERNMENTAL AGREEMENT

BETWEEN

LA PAZ COUNTY

AND

TOWN OF QUARTZSITE

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) made and entered into this ____ day of _____, 2022, between **LA PAZ COUNTY**, a political subdivision of the State of Arizona (hereinafter “County”), and the **TOWN OF QUARTZSITE**, an Arizona municipal corporation (hereinafter “Town”). The County and Town may hereinafter be referred to individually as a “Party” or collectively as the “Parties.”

W I T N E S S E T H

WHEREAS, the Town is authorized by A.R.S. § 9-101 et seq. and the Town Code of the Town of Quartzsite to perform on call building inspections and plan review services within its corporate limits; and,

WHEREAS, the County is charged with the performance of building inspections and plan review services as provided by A.R.S. Title 11, Chapter 6, County Planning and Zoning § 11-861 et seq. and its ordinances within the unincorporated areas of La Paz County; and,

WHEREAS, the Town and County desire to provide on-call building and plan review inspection services to each other on an as needed basis; and

WHEREAS, the Town and County have certified personnel able to undertake and complete exchange and sharing of building inspection and plan review service activities within the Parties’ jurisdictional limits; and

WHEREAS, the Parties have authority to enter into this agreement pursuant to A.R.S. §11-952.

NOW, THEREFORE, BE IT AGREED BY THE PARTIES HERETO as follows:

1. Services. The Town and County shall provide on-call building inspection and plan check services to each other in conformance with the respective Codes and Ordinances of the Parties. The on-call services will be provided by workers fully capable, competent, and certified and licensed, as required under applicable law, to provide these services.

2. Term. Said services shall be provided by the Parties for a period of three (3) years from the date of execution hereof unless this Agreement is extended by mutual agreement of the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement during its original term or any extension thereof at any time upon giving thirty (30) days prior written notice to the other.

3. Close-Out Timing. The respective Party shall present all close out inspection documents on any project to the other Party within two business days of a final inspection.

4. Compensation. The Parties shall compensate one another for the services rendered hereunder at the hourly rate of \$40.00 with a minimum charge for any service provided of one-half (1/2) hour. Payment for the services shall be provided within thirty (30) days of receipt of demand for payment, unless either Party disputes any charge. In the event of any

dispute, payment will be made on any disputed charge within thirty (30) days after final resolution of the disputed charge.

5. Records and Logs. The Parties shall maintain, in conformance with industry standards and to the satisfaction of the other Party, logs of all of the services provided pursuant to this Agreement and provide copies of same to the other Party with any demand for payment.

6. Conflict of Interest. This Agreement is subject to the provisions of A.R.S. § 38-511. Either Party may cancel this Agreement without penalty or further obligations by either Party if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of a Party is, at any time while the Agreement or any extension of the Agreement is in effect, an employee of the other Party to the Agreement in any capacity or a consultant to the other Party of the Agreement with respect to the subject matter of the Agreement.

7. Gratuities. Either Party may, by written notice to the other Party, cancel this Agreement if it is found by a Party that gratuities, in the form of economic opportunity, future employment, entertainment, gifts or otherwise, were offered or given by the other Party or any agent or representative of the Party to any officer, agent or employee of the Party for the purpose of securing this Agreement.

8. Applicable Law: Venue. In the performance of this Agreement, both Parties to the Agreement shall abide by and conform to any and all laws of the United States, the State of Arizona, including, but not limited to, federal and state executive orders providing for equal employment and procurement opportunities, the Federal Occupational Safety and Health Act and any other federal or state laws applicable to this Agreement. This Agreement shall be governed by the laws of the State of Arizona and a suit pertaining to this Agreement may be brought only in courts in Maricopa County, Arizona.

9. Indemnification. Each Party (each, an “Indemnitor”) agrees, to the extent permitted by law, to indemnify, defend and hold harmless the other Party (each, an “Indemnitee”) for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys’ fees, court costs and the costs of appellate proceedings) to which any Indemnitee may become subject, under any theory of liability whatsoever (“Claims”), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions, in connection with the work or services of the Indemnitor, its officers, employees, agents, or any tier of subcontractor in the performance of this Agreement.

10. Insurance.

10.1 General Insurance Requirements. The Parties mutually agree to provide for their respective financial responsibilities relating to liability arising out of this Agreement through either the purchase of insurance or the provision of a self-funded insurance program.

10.2 Workers’ Compensation Insurance. All Parties to the Agreement agree that they are not joint employers for the purpose of workers’ compensation coverage. To the extent that employees of one Party performs duties on behalf of another Party under this

Agreement, such employee shall be deemed to be an “employee” of both public agencies while performing such duty pursuant to this Agreement solely for the purposes of ARIZ. REV. STAT. § 23-1022 and the Arizona Workers’ Compensation laws. The primary employer shall be solely liable for any workers’ compensation benefits which may accrue. Each Party shall post a notice pursuant to the provisions of ARIZ. REV. STAT. § 23-1022 in substantially the following form:

All employees are hereby further notified that they may be required to work under the jurisdiction or control of or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of workers’ compensation.

11. Amendment. This Agreement may be modified only by a written amendment signed by the Parties.

12. Provisions Required by Law. Each and every provision of law and any clause required by law to be in the Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, the Agreement will promptly be physically amended to make such insertion or correction.

13. Severability. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid by a Court of competent jurisdiction shall not affect any other provision or application of the Agreement which may remain in effect without the invalid provision or application.

14. Assignment. None of the Parties may assign or delegate any of its rights hereunder.

15. Waiver. Failure of any Party to exercise any right or option arising out a breach of this Agreement shall not be deemed a waiver of any right or option with respect to any subsequent or different breach, or the continuance of any existing breach.

16. Counterparts. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed original hereof.

17. Notices and Requests. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (A) delivered to the Party at the address set forth below, (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, (C) given to

a recognized and reputable overnight delivery service, to the address set forth below or (D) delivered by facsimile transmission to the number set forth below:

To Town of Quartzsite:

Notice to: Town of Quartzsite
465 N. Plymouth Ave
P.O. Box 2812
Quartzsite, Arizona 85346
Facsimile: (928) 927-4404
Attn: Jim Ferguson, Town Manager

With copy to: Town Attorney
Gust Rosenfeld, PLC
One E. Washington Street, Suite 1600
Phoenix, Arizona 85004-2553
Facsimile: (602) 254-4878
Attn: Joseph D. Estes

To La Paz County:

Notice to: La Paz County Department of Community Development
1112 Joshua Ave., Suite 202
Parker, AZ 85344
Facsimile: (928) 669-5503
Attn: Director

With copy to: La Paz County Board of Supervisors
1108 Joshua Avenue
Parker, AZ 85344
Facsimile: (928) 669-9709
Attn: Clerk

or at such other address, and to the attention of such other person or officer, as any Party may designate in writing by notice duly given pursuant to this subsection. Notices shall be deemed received (A) when delivered to the Party, (B) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage, (C) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day, or (D) when received by facsimile transmission during the normal business hours of the recipient. If a copy of a notice is also given to a Party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a Party shall mean and refer to the date on which the Party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

18. Agreement Subject to Appropriation. The performance by each Party to

this Agreement of its respective obligations under the Agreement is subject to actual availability of funds appropriated by each Party for such purposes. Each Party to the Agreement shall be the sole judge and authority in determining the availability of funds under the Agreement and each Party shall keep the other Party fully informed as to the availability of funds for its obligations. The obligation of each Party to fund any obligation pursuant to the Agreement is a current expense of such Party, payable exclusively from such annual appropriations, and is not a general obligation or indebtedness of the Party. If the Council or Governing Board of a Party fails to appropriate money sufficient to meet its obligations as set forth in the Agreement during any immediately succeeding fiscal year, the Agreement shall terminate at the end of the then-current fiscal year and the Parties shall thereafter be relieved of any subsequent obligation under the Agreement.

19. E-verify, Records and Audits. To the extent applicable under A.R.S. § 41-4401, the Parties and their respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). The Parties' or a subcontractor's breach of the above-mentioned warranty shall be deemed a material breach of the Agreement and may result in the termination of the Agreement by either Party under the terms of this Agreement. The Parties each retain the legal right to randomly inspect the papers and records of the other Party and the other Parties' subcontractors who work under this Agreement to ensure that the other Party and its subcontractors are complying with the above-mentioned warranty. The Parties warrant to keep their respective papers and records open for random inspection during normal business hours by the other Parties. The Parties and their respective subcontractors shall cooperate with the other Parties' random inspections including granting the inspecting Party entry rights onto their respective properties to perform the random inspections and waiving their respective rights to keep such papers and records confidential.

20. Boycott of Israel. Pursuant to A.R.S. § 35-393.01, each Party certifies that it is not currently engaged in a boycott of Israel.

21. Miscellaneous.

21.1 Arbitration. Pursuant to A.R.S. § 12-1518 of the Arizona Revised Statutes, the Parties acknowledge and agree that they will be required to make use of mandatory arbitration of any legal action that is filed in the Arizona Superior Court concerning a controversy arising out of this Agreement if required by A.R.S. § 12-133 of the Arizona Revised Statutes.

21.2 Authority. Each Party represents and warrants to the other that it has full power and authority to enter into and perform this Agreement, and that the person(s) signing this Agreement on behalf of each Party has(have) been properly authorized and empowered to do so.

21.3 Entire Agreement. This Agreement sets forth the entire agreement between the Parties hereto in connection with the subject matter hereof and supersedes all previous understandings, communications, arrangements and discussions, whether oral or written, with respect to the subject matter hereof.

21.4 Headings. The division of this Agreement into paragraphs and the use of headings are for convenience of reference only and shall not modify or affect the interpretation or construction of this Agreement or any of its provisions.

21.5 Incorporation of recitals and attachments. The recitals set forth at the beginning of this Agreement and the attachments hereto are hereby incorporated into Agreement.

21.6 Non-Discrimination. The Parties agree to comply with all provisions and requirements of Arizona Executive Order 2009-09 including flow down of all provisions and requirements to any subcontractors. Executive Order 2009-09 supersedes Executive order 99-4 and amends Executive order 75-5 and is hereby incorporated into this Agreement as if set forth in full herein. During the performance of this Agreement, the Parties shall not discriminate against any employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin.

21.7 Relationship of Parties. This Agreement shall not be construed in such a manner as to establish a partnership, joint venture, express or implied agency or employer-employee relationship between the Parties and/or the employees of any Party. No Party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of any other, including (without limitation) the other Party's obligation to withhold Social Security and income taxes for itself or any of its employees.

21.8 Responsibility. Each Party agrees to be responsible for the conduct of its operations and performance of contract obligations and for any accidents or injuries to persons or property arising out of acts of omissions by its officers, agents or employees acting in the course or scope of their employment while performing duties undertaken pursuant to this Agreement.

21.9 Rights /Obligations of Parties Only. The terms of this Agreement are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third Party beneficiary or other person, agency or organization. Nothing expressed herein shall affect the legal liability of any Party to this Agreement by imposing any standard of care different from the standard of care imposed by law.

21.10. Survival of terms. Those provisions of this Agreement that, by their nature, are intended to survive any expiration or termination of this Agreement shall so survive.

[Signatures on following page]


IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth below.

“County”

“Town”

LA PAZ COUNTY, a political subdivision of the State of Arizona

TOWN OF QUARTZSITE, an Arizona municipal corporation


By: 
Duce Minor
Its: Chairman, La Paz County Board of Supervisors

By: _____
Jim Ferguson
Its: Town Manager

Date: _____

Date: _____

ATTEST:


By: 
Diane Green
Its: Clerk, La Paz County Board of Supervisors

By: _____
Its: _____

In accordance with the requirements of A.R.S. § 11-952, the undersigned attorneys acknowledge that (i) they have reviewed the above Agreement on behalf of their respective clients and that (ii) as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

County Attorney

Attorney for the Town

By: 
Ryan Doble
Its: La Paz County Attorney

By: _____
Gust Rosenfeld, PLC
Its: Town Attorney

Date: _____

Date: _____



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, April 12, 2022

(See Item 9 for map)

Agenda Item: **ORDINANCE NO. 22-02 AMENDING THE OFFICIAL ZONING MAP OF QUARTZSITE, ARIZONA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT APNs # 306-29-0100 AND 306-24-004C, 1240 ACACIA STREET, QUARTZSITE, ARIZONA, FROM SR (SUBURBAN RANCH) TO C-2 (COMMERCIAL), C-3 (HEAVY COMMERCIAL)**

Summary: At the March 15, 2022 Planning and Zoning Commission Regular Meeting, the Commission voted to recommend to Council that Rezone Application Number 8910 be approved. The Applicant was Desert Garden Holdings, LLC requesting to rezone approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C-3).

Rezoning of the approximate 140 acres changes the Zoning Map. An ordinance is required to amend the Official Zoning Map of Quartzsite, Arizona.

Responsible Person: Jim Ferguson, Town Manager

Attachments: Ordinance Number 22-02 with Exhibit A and Exhibit B

Action Requested: **Motion** to adopt Ordinance No. 22-02 Amending the Official Zoning Map of Quartzsite, Arizona, by changing the zoning classification of property located at APNs # 306-29-0100 and 306-24-004C, 1240 Acacia Street, Quartzsite, Arizona, from SR (Suburban Ranch) to C-2 (Commercial), C-3 (Heavy Commercial)

TOWN OF QUARTZSITE

ORDINANCE NO. 22 -02

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF QUARTZSITE, ARIZONA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT APN # 306-29-0100 AND 306-24-004C, 1240 ACACIA BOULEVARD, QUARTZSITE, ARIZONA, FROM SR (SUBURBAN RANCH) TO C-2 (COMMERCIAL), AND C-3 (HEAVY COMMERCIAL); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the public notice and hearing requirements set forth in A.R.S. §§ 9-462.03 and 9-462.04 and the Quartzsite Zoning Articles have been met; and

WHEREAS, the Town Council has considered the recommendations and findings made by the Planning and Zoning Commission pursuant to A.R.S. § 9-462.04 and the Quartzsite Zoning Articles.

WHEREAS, the property under consideration for rezoning consists of approximately 140 acres generally described as the Desert Gardens area located east of Quartzsite Boulevard, south of Kuehn Street and west of Q Mountain Vista Subdivision, from Suburban Ranch (SR) to General Commercial (C-2) and Heavy Commercial (C3) as shown on Exhibits A & B, attached hereto.

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

Section I. In General.

A. The official zoning map of the Town of Quartzsite, Arizona is hereby amended by changing the zoning classification of property located as set forth below from SR (Suburban Ranch) to C-2 (Commercial):

Being a portion of Section's 28 and 29, Township 4N, Range 19W, of the Gila and Salt River Meridian, La Paz County, Arizona, being more particularly described as follows on Exhibit A, attached hereto, Area 1 consisting of 49.8 acres, more or less, and Area 2 consisting of 40.0 acres, more or less.

B. The official zoning map of the Town of Quartzsite, Arizona is hereby amended by changing the zoning classification of property located as set forth below from SR (Suburban Ranch) to C3 (Heavy Commercial):

Being a portion of Section's 28 and 29, Township 4N, Range 19W, of the Gila and Salt River Meridian, La Paz County, Arizona, being more particularly described as follows on Exhibit B, attached hereto, Area 1 consisting of 18.0 acres, more or less, Area 2 consisting of 20.0 acres, more or less, Area 3 consisting of 15.90 acres, more or less.

Section II. Providing for Repeal of Conflicting Ordinances.

All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the 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 Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Quartzsite, Arizona, this 12th day of April 2022, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 12th day of April 2022.

Norman Simpson, Mayor

ATTEST:

Tina Abriani, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, P.L.C.
Town Attorneys
By: Joseph Estes

I, TINA ABRIANI, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. 22-02 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE ON THE 12th DAY OF APRIL 2022, WAS POSTED IN THREE PLACES ON THE _____ DAY OF APRIL 2022.

Tina Abriani, Town Clerk

EXHIBIT A

THE OFFICIAL ZONING MAP OF THE TOWN OF QUARTZSITE, ARIZONA IS HEREBY AMENDED BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AS SET FORTH BELOW FROM SR (SUBURBAN RANCH) TO C2 (COMMERCIAL):

BEING A PORTION OF SECTION'S 28 AND 29, TOWNSHIP 4N, RANGE 19W, OF THE GILA AND SALT RIVER MERIDIAN, LA PAZ COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

AREA 1:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 29;

THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 29, SOUTH 89°46'30" WEST, 1593.57 FEET;

THENCE LEAVING SAID LINE, NORTH 04°25'29" WEST, 689.41 FEET;

THENCE NORTH 06°19'03" WEST, 496.01 FEET;

THENCE NORTH 81°20'31" EAST 1723.55 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 29;

THENCE ALONG SAID EAST LINE, SOUTH 00°06'13" EAST, 1446.09 FEET TO THE POINT OF BEGINNING.

CONSISTING OF 49.8 ACRES, MORE OR LESS.

AREA 2:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 29;

THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 29, NORTH 00°06'13" EAST, 1279.65 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 89°45'50" EAST 1325.96 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28;

THENCE SOUTH ALONG SAID EAST LINE, SOUTH 00°00'00" EAST, 1291.45 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 28;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°43'36" EAST, 1328.27 FEET TO THE POINT OF BEGINNING.

CONSISTING OF 40.00 ACRES, MORE OR LESS.

EXHIBIT B

THE OFFICIAL ZONING MAP OF THE TOWN OF QUARTZSITE, ARIZONA IS HEREBY AMENDED BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AS SET FORTH BELOW FROM SR (SUBURBAN RANCH) TO C3 (COMMERCIAL):

BEING A PORTION OF SECTION'S 28 AND 29, TOWNSHIP 4N, RANGE 19W, OF THE GILA AND SALT RIVER MERIDIAN, LA PAZ COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

AREA 1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29;

THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 29, SOUTH 89°46'30" WEST, 1593.57 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 89°46'30" WEST, 764.57 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 02°50'36" EAST, 974.28 FEET;

THENCE NORTH 88°17'14" EAST, 593.11 FEET TO A POINT ON THE WEST RIGHT OF LINE OF QUARTZSITE BOULEVARD;

THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 10°42'08" WEST, 675.22 FEET;

THENCE LEAVING SAID LINE, NORTH 80°24'16" EAST, 50.01 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID QUARTZSITE BOULEVARD;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 10°42'08" EAST, 493.85 FEET;

THENCE CONTINUING ALONG SAID LINE, SOUTH 06°19'03" EAST, 496.01 FEET;

THENCE SOUTH 04°25'29" EAST, 689.41 FEET TO THE POINT OF BEGINNING.

CONSISTING OF 18.00 ACRES, MORE OR LESS.

AREA 2:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29;

THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 29, NORTH 00°06'13" EAST, 1279.65 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LINE, NORTH 00°06'13" EAST, 1327.00 FEET;

THENCE LEAVING SAID LINE, NORTH 00°00'00" EAST, 1327.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28;

THENCE ALONG SAID LINE, SOUTH 00°12'06" WEST, 695.57 FEET;

THENCE SOUTH 89°45'50" WEST, 1325.96 FEET TO THE POINT OF BEGINNING.
CONSISTING OF 20.00 ACRES, MORE OR LESS.

AREA 3:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29;

THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 29, NORTH 00°06'13" EAST, 1980.68 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LINE, NORTH 00°03'56" EAST, 660.97 FEET;

THENCE LEAVING SAID LINE, NORTH 00°00'00" EAST, 374.68;

THENCE NORTH 80°37'58" EAST, 672.43 FEET;

THENCE SOUTH 00°00'40" EAST, 113.01 FEET;

THENCE NORTH 89°41'32" WEST, 41.88 FEET;

THENCE SOUTH 00°00'10" WEST, 329.16 FEET;

THENCE SOUTH 89°59'50" EAST, 130.00 FEET;

THENCE SOUTH 00°00'10" WEST, 330.00 FEET;

THENCE SOUTH 90°00'00" WEST, 1127.00 FEET TO THE POINT OF BEGINNING.

CONSISTING OF 15.90 ACRES, MORE OR LESS.