

**TOWN OF PATAGONIA
REGULAR COUNCIL MEETING MINUTES
MAY 27, 2014 7:00 P.M.**

1. **CALL TO ORDER:** Mayor Isakson called the meeting to order at 7:06 p.m.
PRESENT; Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.
ABSENT: Council member Quiroga
STAFF: Town Manager Teel, Deputy Clerk Van Nest, Marshal Patterson, Deputy Marshals Davis and York. Mr. Steven Weatherspoon, the Town Water Rights attorney was also present.

Public present included Montoy, Shafer, Cervantes

2. **PLEDGE OF ALLEGIANCE:** Mayor Isakson led the recitation of the Pledge of Allegiance.
3. **CORRECTION AND/OR APPROVAL OF MINUTES OF:**
 - A. **REGULAR COUNCIL MEETING, MAY 13, 2015 - 7:00 P.M.**

MOTION: Vice-Mayor Wood moved to approve the May 13 , 2015 minutes. .

SECOND: Council member Coleman

VOTE: The Motion passed by a vote of 3-0-1 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Member Coleman.

NAYS: None

ABSTAINERS: Council member Gilbert

ABSENT: Council member Quiroga

PLEASE NOTE: THE MAYOR AND COUNCIL MAY ELECT TO TAKE ITEM(S) OUT OF ORDER.

4. **CALL TO THE PUBLIC A.R.S. §38-431-01(H):** AT THIS TIME, ANY MEMBER OF THE PUBLIC IS ALLOWED TO ADDRESS THE TOWN COUNCIL, SUBJECT TO REASONABLE TIME AND MANNER RESTRICTIONS. PURSUANT TO THE ARIZONA OPEN MEETING LAW, AT THE CONCLUSION OF THE CALL TO THE PUBLIC, INDIVIDUAL MEMBERS OF THE COUNCIL MAY RESPOND TO CRITICISM MADE BY THOSE WHO HAVE ADDRESSED THE COUNCIL, MAY ASK STAFF TO REVIEW THE MATTER, OR MAY ASK THE MATTER BE PLACED ON A FUTURE AGENDA.

Maggie Urgo was present and presented a letter to Council expressing her concern about the condition of North Avenue and wondering when the gravel would be replaced. She was advised to take the matter up with the Town Manager.

OLD BUSINESS

5. **MAYOR'S REPORT ON CURRENT EVENTS.** AT THIS TIME THE MAYOR MAY WISH TO CALL UPON THE COUNCIL OR STAFF FOR CURRENT EVENTS OR MONTHLY REPORTS.
6. **STAFF REPORTS ON ONGOING ACTIVITIES WITH POSSIBLE DIRECTION BY COUNCIL.**

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Mr. Teel reported that the chip sealing is tentatively scheduled for June 17. He also apologized for a web problem that had delayed posting the agenda for this meeting.

- A. FINANCIAL STATEMENT/BUDGET In the meeting book.
 - B. POLICE: Deputy Marshal York reported that they were very busy with two investigations.
 - C. CDBG/USDA WATER SYSTEM PROJECT. Project is complete, waiting for payment from USDA
 - D. PLANNING AND ZONING MATTERS No meeting.
 - E. SOLID WASTE DISPOSAL
 - F. KENNEL COMMITTEE: Waiting on D&M
7. PRESENTATION, DISCUSSION AND POSSIBLE ACTION ON REPORT OF WATER RIGHTS ATTORNEY WEATHERSPOON CONCERNING STATUS OF TOWN'S WATER RIGHTS.

Mr. Weatherspoon reported on his research. The Town files had not been complete so he had to get the rest of them from ADWR. The Town's efforts had started about 1994 with an application for appropriation of surface water. There had been objections from Rio Rico and from the Nature Conservancy. After a period of negotiations, agreement had been reached on how much water the Town could divert. There was also agreement from Nogales and from the State Park which meant that all the parties that might have a serious objection had agreed to the Town's application, with agreed-upon limits that were far in excess of the reasonable expectation of need. There was little activity until about 2002-2004 when the application was reactivated. The Last meeting with the state had them (ADWR) telling the town that it needed to show that the water the town was seeking was in fact surface water in the form of sub-flow and therefore appropriable.

Mr. Weatherspoon described the legal test for challenging whether water is surface water or ground water. If water is from a well it is presumed to be groundwater unless proven otherwise and the proof must be "clear and convincing"

He recommended that the next step be a trip to Phoenix to meet with ADWR again. He also suggested research of the studies that have been conducted to determine the extent to which they indicate a determination as to whether the Town supply is groundwater or Holocene sub-flow.

Mr. Weatherspoon left the meeting.

8. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 15-02. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK ENTITLED "ORDINANCE NO. NO. 2015- 01 "AN ORDINANCE OF THE COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, AMENDING TOWN CODE CHAPTER 8A "TAX CODE OF THE TOWN OF PATAGONIA" BY AMENDING, REPEALING AND REPLACING VARIOUS ARTICLES, SECTIONS AND REGULATIONS OF SAME IN ACCORDANCE WITH RECENT AMENDMENTS ADOPTED BY THE MUNICIPAL TAX CODE COMMISSION AND BY AMENDING ARTICLE 8 – 2 AND SECTION 8 – 3 – 2 OF THE TOWN CODE RELATING TO BUSINESS LICENSES AND OCCUPATIONAL PROFESSIONAL LICENSE TAX."

MOTION: Council member Coleman moved to ADOPT RESOLUTION NO. 15-02. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK ENTITLED "ORDINANCE NO. NO. 2015- 01 "AN ORDINANCE OF THE COUNCIL OF THE TOWN OF

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PATAGONIA, ARIZONA, AMENDING TOWN CODE CHAPTER 8A “TAX CODE OF THE TOWN OF PATAGONIA” BY AMENDING, REPEALING AND REPLACING VARIOUS ARTICLES, SECTIONS AND REGULATIONS OF SAME IN ACCORDANCE WITH RECENT AMENDMENTS ADOPTED BY THE MUNICIPAL TAX CODE COMMISSION AND BY AMENDING ARTICLE 8 – 2 AND SECTION 8 – 3 – 2 OF THE TOWN CODE RELATING TO BUSINESS LICENSES AND OCCUPATIONAL PROFESSIONAL LICENSE TAX.” . .

SECOND: Vice-Mayor Wood

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Quiroga

9. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 2015- 02 "AN ORDINANCE OF THE COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, AMENDING TOWN CODE CHAPTER 8A “TAX CODE OF THE TOWN OF PATAGONIA” BY AMENDING, REPEALING AND REPLACING VARIOUS ARTICLES, SECTIONS AND REGULATIONS OF SAME IN ACCORDANCE WITH RECENT AMENDMENTS ADOPTED BY THE MUNICIPAL TAX CODE COMMISSION AND BY AMENDING ARTICLE 8 – 2 AND SECTION 8 – 3 – 2 OF THE TOWN CODE RELATING TO BUSINESS LICENSES AND OCCUPATIONAL PROFESSIONAL LICENSE TAX.”

MOTION: Mayor Isakson moved to ADOPT ORDINANCE NO. 2015- 02 "AN ORDINANCE OF THE COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, AMENDING TOWN CODE CHAPTER 8A “TAX CODE OF THE TOWN OF PATAGONIA” BY AMENDING, REPEALING AND REPLACING VARIOUS ARTICLES, SECTIONS AND REGULATIONS OF SAME IN ACCORDANCE WITH RECENT AMENDMENTS ADOPTED BY THE MUNICIPAL TAX CODE COMMISSION AND BY AMENDING ARTICLE 8 – 2 AND SECTION 8 – 3 – 2 OF THE TOWN CODE RELATING TO BUSINESS LICENSES AND OCCUPATIONAL PROFESSIONAL LICENSE TAX.”

SECOND: Council member Coleman

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Quiroga

10. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 15-05. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA STABLISHING A BUSINESS APPLICATION FEE AND ANNUAL BUSINESS LICENSE FEE.

MOTION: Council member Gilbert moved ADOPT RESOLUTION NO. 15-05. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA STABLISHING A BUSINESS APPLICATION FEE AND ANNUAL BUSINESS LICENSE FEE.

SECOND: Council member Coleman

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Quiroga

NEW BUSINESS

11. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF SPECIAL EVENT LIQUOR LICENSE FOR PATAGONIA VOLUNTEER FIRE AND RESCUE COMPANY FOR JUNE 27, 2015 STEAK FRY

MOTION: Council member Gilbert moved for APPROVAL OF SPECIAL EVENT LIQUOR LICENSE FOR PATAGONIA VOLUNTEER FIRE AND RESCUE COMPANY FOR JUNE 27, 2015 STEAK FRY

SECOND: Vice-Mayor Wood

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Council member Quiroga

12. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A LEASE BETWEEN THE TOWN OF PATAGONIA, AND MARIPOSA COMMUNITY HEALTH CENTER, INC. A NON-PROFIT ARIZONA CORPORATION,

MOTION: Vice-Mayor Wood moved for APPROVAL A LEASE BETWEEN THE TOWN OF PATAGONIA, AND MARIPOSA COMMUNITY HEALTH CENTER, INC. A NON-PROFIT ARIZONA CORPORATION,

SECOND: Council member Coleman

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Council member Quiroga

13. APPROVAL OF ACCOUNTS PAYABLE.

MOTION: Vice-Mayor Wood moved for APPROVAL OF THE ACCOUNTS PAYABLE

SECOND: Council member Coleman

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Council member Quiroga

. FUTURE AGENDA ITEMS: AT THIS TIME THE COUNCIL MAY BRING FORTH TOPICS FOR FUTURE AGENDAS, AND IF PREVIOUSLY REJECTED BY THE MAYOR, THE COUNCIL MAY VOTE ON WHETHER TO PLACE THOSE ITEMS ON A FUTURE AGENDA PURSUANT TO

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SECTION 2-5-5 OF THE CODE OF THE TOWN OF PATAGONIA ARIZONA. THE COUNCIL MAY NOT DISCUSS, DELIBERATE OR TAKE ANY ACTION ON THE SUBSTANCE OF THE TOPICS OTHER THAN TO VOTE TO INCLUDE THEM ON A FUTURE AGENDA. A.R.S. §38-431.02(H).

Carolyn Shafer reminded council the Mr. Michael Brescia had offered to speak to council on the matter of historic water rights in Arizona. Council agreed to schedule him when possible.

14. ADJOURN.

MOTION: Council member Gilbert moved ADJOURN

SECOND: Council member Coleman

VOTE: The Motion passed by a vote of 4-0 with Council Members voting as follows:

AYES: Mayor Isakson, Vice-Mayor Wood, Council Members Gilbert and Coleman.

NAYS: None

ABSTAINERS: None

ABSENT: Council member Quiroga

The meeting was adjourned at 7:42 p.m.

I hereby confirm the foregoing minutes are a true and accurate copy of the minutes of a Regular Council Meeting held May 27, 2015 at 7:00 P.M. I further certify that the meeting was duly called, held, and that a quorum was present.

Dated this _____ Day of _____, 2015.

APPROVED: _____
Mayor

ATTEST:

Town Manager