

**TOWN OF PATAGONIA  
REGULAR COUNCIL MEETING MINUTES  
AUGUST 14 , 2013  
7:00 P.M.**

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1. CALL TO ORDER: Vice Mayor Wood called the meeting to order in the High School multi-purpose room at 7:03 p.m.

**PRESENT:** Vice Mayor Wood, Council members Gilbert, Quiroga and Coleman

**ABSENT:** Mayor Isakson

**STAFF PRESENT:** Town Manager Teel, Deputy Clerk Van Nest, Marshall Patterson and all his deputies

There were approximately 100 citizens in attendance.

2. PLEDGE OF ALLEGIANCE: Vice Mayor Wood led the recitation of the Pledge of Allegiance.
3. CORRECTION AND/OR APPROVAL OF MINUTES OF:
  - a. REGULAR COUNCIL MEETING, JULY 24, 2013- 7:00P.M.
  - b. SPECIAL COUNCIL WORKSHOP MEETING, JULY 31 , 2013 – 6:00 PM
  - c. SPECIAL COUNCIL WORKSHOP MEETING, AUGUST 8- 6:00 P.M.

**MOTION:** Council member Coleman moved to approve the minutes of the meetings of July 24, July 31 and August 8.

**SECOND:** Council member Gilbert

**VOTE:** The motion passed by a vote of 4-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert, Quiroga and Coleman

**NAYS;** none

**ABSTAIN:** none

**ABSENT;** Mayor Isakson

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

Vice Mayor Wood announced that Item 9 would be moved to the end of the agenda and would have its own separate public comment period. Other items would be addressed during the general call to the public.

3. 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, FUTURE AGENDA.

Abbie Zeltzer commented that council's authority and obligations were spelled out in ARS Article 3, chapter 9-240 sections 5 and 6

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**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.  
None.

6. STAFF REPORTS ON ONGOING ACTIVITIES WITH POSSIBLE DIRECTION BY COUNCIL.
  - A. FINANCIAL STATEMENT/BUDGET in the meeting packet
  - B. POLICE none
  - C. CDBG/USDA WATER SYSTEM PROJECT slow progress.
  - D. PLANNING AND ZONING MATTERS no meeting.
  
7. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATION TO STAFF TO ADDRESS RECOMMENDATIONS OF PLANNING AND ZONING COMMITTEE (DEFERRED FROM WORKSHOP 8/8/13)
  - a. GENERAL PLAN RESOLUTION CONCERNING WATERSHED (6/17/13)
  - b. RECOMMENDATION THAT THE NOTIFICATION RADIUS FOR USE PERMIT HEARINGS BE REDUCED FROM 500 FEET TO 100 FEET.(4/22/13)

Council member Coleman explained that he must recuse himself from the discussion and action on items 7 a. and 9 because of his employment by the US Forest Service.

Mr. Stabile explained the Planning and Zoning Committee's reasons for the two recommendations.

**MOTION:** Council member Gilbert moved to ADOPT, AS AN AMENDMENT TO THE TOWN GENERAL PLAN, THE RESOLUTION RECOMMENDED BY THE PLANNING AND ZONING COMMITTEE CONCERNING PROTECTING THE TOWN WATERSHED (attached)

**SECOND:** Council member Quiroga

**VOTE:** The motion passed by a vote of 3-0-1 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert and Quiroga

**NAYS;** none

**ABSTAIN:** Council member Coleman

**ABSENT;** Mayor Isakson

There was a discussion as to whether the notification radius for use permits should be 100 feet or perhaps 300 feet. Mr. Coleman suggested that 300 feet was more appropriate.

**MOTION:** Council member Gilbert moved to ADOPT A RESOLUTION THAT THE NOTIFICATION RADIUS FOR USE PERMITS AS PROVIDED IN CHAPTER 14, ARTICLE 14-2 OF THE TOWN CODE BE AMENDED FROM 500 FEET TO 300 FEET.

**SECOND:** Council member Coleman

**VOTE:** The motion passed by a vote of 4-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert Coleman and Quiroga

**NAYS;** none

**ABSTAIN:** None.

**ABSENT;** Mayor Isakson

## **NEW BUSINESS**

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8. DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR WAIVER OF REQUIREMENT FOR HANDICAPPED ACCESSIBLE REST ROOM FOR OFFICE WAREHOUSE AT 539 NORTH 3D AVENUE, ADROIT LLC.

Mr. Teel reported that he had reviewed the request with the Town Attorney and it was Mr. Massee's opinion that the use of the property did not rise to the level of the ADA requirement and Council could, if it so chose, grant a waiver from the requirement.

**MOTION:** Council member Quiroga moved to APPROVE THE REQUEST FOR WAIVER OF REQUIREMENT FOR HANDICAPPED ACCESSIBLE REST ROOM FOR OFFICE WAREHOUSE AT 539 NORTH 3D AVENUE, ADROIT LLC.

**SECOND:** Council member Coleman

**VOTE:** The motion passed by a vote of 3-1-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Coleman and Quiroga

**NAYS;** Council member Gilbert

**ABSTAIN:** None.

**ABSENT;** Mayor Isakson

10. DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR APPROVAL OF TEMPORARY LIQUOR LICENSE FOR PATAGONIA COMMUNITY GARDEN PIE AUCTION.

**MOTION:** Vice mayor Wood moved to APPROVE THE REQUEST FOR APPROVAL OF TEMPORARY LIQUOR LICENSE FOR PATAGONIA COMMUNITY GARDEN PIE AUCTION.

**SECOND:** Council member Gilbert

**VOTE:** The motion passed by a vote of 4-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert Coleman and Quiroga

**NAYS;** none

**ABSTAIN:** None.

**ABSENT;** Mayor Isakson

11. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 13-12 AMENDING THE TOWN OF PATAGONIA PERSONNEL RULES.

**MOTION:** Council member Gilbert moved to ADOPT RESOLUTION NO. 13-12 AMENDING THE TOWN OF PATAGONIA PERSONNEL RULES.

**SECOND:** Council member Quiroga

**VOTE:** The motion passed by a vote of 4-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert Coleman and Quiroga

**NAYS;** none

**ABSTAIN:** None.

**ABSENT;** Mayor Isakson

12. APPROVAL OF ACCOUNTS PAYABLE.

**MOTION:** Council member Coleman moved to APPROVE THE ACCOUNTS PAYABLE..

**SECOND:** Vice Mayor Wood

**VOTE:** The motion passed by a vote of 4-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert Coleman and Quiroga

**NAYS;** none

**ABSTAIN:** None.

**ABSENT;** Mayor Isakson

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9. DISCUSSION OF REQUEST FOR SUPPORT OF AZ MINERALS HERMOSA DRILLING PROJECT PLAN OF OPERATIONS.

Vice mayor Wood outlined the rules for the discussion.

Mr. Bowdon explained the reasons for his request and outlined the items pertaining to water in the plan of action .

Ms. Shafer pointed out the General Plan comments on mining and asked that an item be included on the next council agenda concerning a response to the scoping notice.

Other speakers included, among others, Martin Levowitz, Abbie Zeltzer, Luis Granilla, Clint Trafton, Cliff Hirsch, Odell Borg, Mike Stabile, Ray Klein, Katie King and Ron Fulgham

13. 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 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). None

14. ADJOURN.

**MOTION:** Council member Gilbert moved to ADJOURN THE MEETING

**SECOND:** Council member Coleman

**VOTE:** The motion passed by a vote of 4-0 with the council members voting as follows:

**AYES:** Vice Mayor Wood, Council members Gilbert Coleman and Quiroga

**NAYS;** none

**ABSTAIN:** None.

**ABSENT;** Mayor Isakson

The meeting was adjourned at 8:15 p.m.

I hereby confirm the foregoing minutes are a true and accurate copy of the minutes of a Regular Council Workshop Meeting held on August 14, 2013 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 August, 2013.

Attest: \_\_\_\_\_

Town Manager

Approved: \_\_\_\_\_

Mayor

ATTACHMENT FOR ITEM 7 a.

A RESOLUTION OF THE PLANNING AND ZONING COMMITTEE TO BE CONSIDERED FOR ADOPTION BY TOWN COUNCIL AS A MINOR AMENDMENT TO THE PATAGONIA GENERAL PLAN.

The Town Of Patagonia is situated in a dry grassland environment. The Town gets its water from the Sonoita Creek and the Harshaw Creek drainages. These drainages were never officially recognized as the Town's watershed, and recently, through the efforts of the Mayor, Town Manager, and Planning and Zoning Committee, the Forest Service officially designated the Sonoita and Harshaw drainages, which encompass 89,000 acres, as the Municipal Watershed of the Town of Patagonia. One of the eight Planning Principles set forth in The Town Plan specifically states that the Town must, "Closely study and reject mining (resource extraction) proposals, which pose a threat to the environmental, economic or cultural resources of the Patagonia area." With the official designation of the watershed we need to be even more vigilant of any industrial activity in the watershed.

In a 2007 study posted in the journal Science, it states that much of the region (southwest) has been in a severe drought since 2000, which the study's analysis of computer climate models shows as the beginning of a long dry period. The study predicted a permanent drought by 2050 throughout the Southwest -- one of the fastest-growing regions in the nation.

Water is the one thing that all of us can't live without. The Town should work with the US Forest Service to ensure that there is a comprehensive ground water study conducted before any industrial activity that's going to use water from our watershed commences. The study must contain a baseline metal determination and flow rate coming from both drainages. This study should be paid for by the proponents wanting to conduct the industrial activity and the contractor/hydrologist should be chosen by the Town. The contractor would work under the direction of the Town manager.

ADOPTED BY THE PLANNING AND ZONING COMMITTEE ON JUNE 17, 2013

ADOPTED BY THE PATAGONIA TOWN COUNCIL ON AUGUST 14, 2013