TOWN OF PATAGONIA

SPECIAL COUNCIL MEETING **MINUTES**

7:00 P.M. – DECEMBER 16, 2020

1. CALL TO ORDER—Mayor Wood called the meeting to order at 7:00 P.M.

2. ROLL CALL/THIS MEETING WILL HAVE PARTIAL REMOTE PARTICIPATION WITH LIMITED PUBLIC PARTICIPATION IN THE MEETING. Via Zoom Meeting, Mayor Wood present, Vice-Mayor Stabile present, Council Member Finch present and Council Member Murrietta present via teleconference.

ABSENT: Council Member Reibslager

STAFF PRESENT**:** Town Manager Robinson and Marshal Patterson

PUBLIC PRESENT VIA ZOOM MEETING: Brenda Somoza, Philip Brister, Robert Gay, David Budd, Howard Buchanan, Zander Ault, David Goggs

3. PLEDGE OF ALLEGIANCE—Mayor Wood led the Pledge of Allegiance

4. CORRECTION AND OR APPROVAL OF MINUTES FROM:

REGULAR COUNCIL MEETING NOVEMBER 18, 2020 @ 7:00 P.M. WITH PARTIAL REMOTE PARTICIPATION WITH LIMITED PUBLIC PARTICIPATION IN THE MEETING.

**MOTION:** Council Member Finch moved to approve the REGULAR COUNCIL MEETING NOVEMBER 18, 2020 @ 7:00 P.M. WITH PARTIAL REMOTE PARTICIPATION WITH LIMITED PUBLIC PARTICIPATION IN THE MEETING.

**SECOND:** Mayor Wood

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

5. CALL TO THE PUBLIC A. R. S. §38-431-01(H): THE PUBLIC WILL ONLY BE RECOGNIZED TO SPEAK ON AGENDA ITEMS LISTED FOR PUBLIC INPUT PURSUANT TO TOWN CODE SECTION 2-5-6. AT THIS TIME, ANY MEMBER OF THE PUBLIC IS ALLOWED TO ADDRESS THE TOWN COMMITTEE, 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. HOWEVER, MEMBERS OF THE PUBLIC BODY SHALL NOT DISCUSS OR TAKE LEGAL ACTION ON MATTERS RAISED DURING AN OPEN CALL TO THE PUBLIC UNLESS THE MATTERS ARE PROPERLY NOTICED FOR DISCUSSION AND LEGAL ACTION.

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Brenda Samoza lodged a complaint about Richardson Park being closed again. Parks in Tucson are open and social distancing and wearing masks are the guidelines. She said that kids in our Town need a place to run and play and if we could have the Park open a few hours a day it would help. Mayor Wood asked Brenda to submit suggestions to the Manager on reopening the Park.

**OLD BUSINESS**

6. 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.

7. STAFF REPORTS ON ONGOING ACTIVITIES WITH POSSIBLE DIRECTION BY COUNCIL:

* FINANCIAL REPORT—In Books
* POLICE REPORT—Marshal Patterson informed the Council of Discretionary Shot Training. Deputy Atkinson has been provided a tablet that links to the State System for drug interdiction.
* PLANNING AND DEVELOPMENT MATTERS—David Budd spoke about the SEAGO call and how he talked about our eco-tourism and it brings a lot of economy to the area. He would like to meet with the Mayor and Town Manager to discuss grant opportunities. He mentioned how their sister committee Tree and Parks are planning to meet to discuss the Town Plans vision of a circulation plan for sidewalks, trails, bike paths and parking for events. The Town Plan is fairly updated except for the maps and to make clear use of certain areas. They hope to present the plan to the Council in the spring. Mayor Wood said she would like to meet as soon as possible with the Manager and Mr. Budd.
* PVFRD MONTHLY REPORT FOR NOVEMBER—In books

**NEW BUSINESS**

8. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SPIRIT WORLD 100, PATAGONIA’SGRAVEL CYCLING EXPERIENCE TO BE HELD ON NOVEMBER 4-7, 2021.

**MOTION:** Council Member Murrietta moved to approve the SPIRIT WORLD 100, PATAGONIA’SGRAVEL CYCLING EXPERIENCE TO BE HELD ON NOVEMBER 4-7, 2021.

**SECOND:** Mayor Wood

**DISCUSSION:** Council Member Murrietta commented on the great safety and great approach and how well organized and how community minded Zander and Heidi are.

Zander thanked the Council for the guidance in helping them cancel this year’s   
 Spirit World 100 2020, and they raised $4,000 helping Borderlands Restoration. They

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plan on doing the same fund raiser for the 2021 Spirit 100. He said they posted The Spirit 100 Race a few weeks ago, and it sold out with 250 riders within 2 days.

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

9. DISCUSSION AND POSSIBLE ACTION TO APPROVE A 2’ VARIANCE FOR DAVID GOGGS AT 320 EAST PENNSYLVANIA AVENUE FOR THE PURPOSE OF SETTING UP A PREMANUFACTURED HOME. THE HOME MUST BE 10’ FROM THE SEPTIC SYSTEM (Health department requirement) WHICH WOULD REQUIRE THE HOME PLACED 2’ INSIDE THE 15’ SETBACK REQUIRED BY CODE. SECTION 7-1-9 & PART B OF THE PATAGONIA BUILDING CODE STATES, “VARIANCES MAY BE GRANTED UPON REQUEST TO THE MAYOR AND COUNCIL, AND ONLY ISSUED UPON DETERMINATION THAT A FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT”. PLATTE PLAN ATTACHED.

**MOTION:** Mayor Wood moved to approve a 2’ VARIANCE FOR DAVID GOGGS AT 320 EAST PENNSYLVANIA AVENUE FOR THE PURPOSE OF SETTING UP A PREMANUFACTURED HOME. THE HOME MUST BE 10’ FROM THE SEPTIC SYSTEM (Health department requirement) WHICH WOULD REQUIRE THE HOME PLACED 2’ INSIDE THE 15’ SETBACK REQUIRED BY CODE. SECTION 7-1-9 & PART B OF THE PATAGONIA BUILDING CODE STATES, “VARIANCES MAY BE GRANTED UPON REQUEST TO THE MAYOR AND COUNCIL, AND ONLY ISSUED UPON DETERMINATION THAT A FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT”. PLATTE PLAN ATTACHED.

**SECOND:** Council Member Finch

**DISCUSSION:** Mr. Goggs talked about how much it would cost him to build a retaining wall ($8000) if the variance was not given.If he did not receive the variance, it would create a hardship of costs to him.

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

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10. DISCUSSION AND POSSIBLE ACTION TO APPROVE **RESOLUTION NO. 20-15,** **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, ADOPTING THE PATAGONIA PERSONNEL POLICY GUIDELINES, DECEMBER 2020.**

**MOTION:** Council Member Finch moved to approve **RESOLUTION NO. 20-15,** **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, ADOPTING THE PATAGONIA PERSONNEL POLICY GUIDELINES, DECEMBER 2020 with changes made in Study Session.**

**SECOND:**  Vice-Mayor Stabile

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

11. DISCUSSION AND POSSIBLE ACTION TO APPROVE **RESOLUTION NO. 20-16, A**  **RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, RATIFYING THE ONE ARIZONA OPIOID SETTLEMENT MEMORANDUM OF UNDERSTANDING (“MOU”) AS PART OF A FUTURE SETTLEMENT FOR IN RE: NATIONAL PRESCRIPTION OPATE LITIGATION, CASE NO. 17-2804 (N.D. OHIO), AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Vice-Mayor Stabile moved to approve **RESOLUTION NO. 20-16, A**  **RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, RATIFYING THE ONE ARIZONA OPIOID SETTLEMENT MEMORANDUM OF UNDERSTANDING (“MOU”) AS PART OF A FUTURE SETTLEMENT FOR IN RE: NATIONAL PRESCRIPTION OPATE LITIGATION, CASE NO. 17-2804 (N.D. OHIO), AND DECLARING AN EMERGENCY TO EXIST.**

**SECOND:** Council Member Finch

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

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12. DISCUSSION AND POSSIBLE ACTION TO PROVIDE A LETTER OF SUPPORT FOR THE USBR WATERSMART GRANT BEING APPLIED FOR BY FRIENDS OF SONOITA CREEK, TUCSON AUDUBON SOCIETY AND BORDERLANDS RESTORATION NETWORK. THE PURPOSE OF THE GRANT IS TO FUND A COOPERATIVE WATERSHED MANAGEMENT GROUP TO CONDUCT ANALYSIS AND PLANNING TO SUPPORT FORMATION OF A WATERSHED RESTORATION PLAN.

**MOTION:** Mayor Wood moved to provide a LETTER OF SUPPORT FOR THE USBR WATERSMART GRANT BEING APPLIED FOR BY FRIENDS OF SONOITA CREEK, TUCSON AUDUBON SOCIETY AND BORDERLANDS RESTORATION NETWORK. THE PURPOSE OF THE GRANT IS TO FUND A COOPERATIVE WATERSHED MANAGEMENT GROUP TO CONDUCT ANALYSIS AND PLANNING TO SUPPORT FORMATION OF A WATERSHED RESTORATION PLAN.

**SECOND:** Council Member Murrietta

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

13. DISCUSSION AND POSSIBLE ACTION TO APPROVE PAYMENT OF ACCOUNTS PAYABLE.

**MOTION:** Council Member Finchmoved to approve payment of accounts payable.

**SECOND:** Mayor Wood

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

14. **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 TOWN OF PATAGONIA, ARIZONA CODE. 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

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15. **ADJOURN**

**MOTION:** Mayor Woodmoved to adjourn.

**SECOND:** Council Member Murrietta

**VOTE:** The motion passed by a 4-0 vote, with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile, Council Member Finch and Council Member Murrietta via teleconference

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council Member Reibslager

The Special Meeting adjourned at 7:34 P.M.

I hereby confirm the foregoing minutes are a true and accurate copy of the minutes of a Special Council Meeting held December 16, 2020 at 7:00 P.M. via zoom meeting and teleconference. I further certify that the meeting was duly called, held and that a quorum was present.

Dated \_\_\_\_\_\_ Day \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020

APPROVED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Wood

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Town Clerk/Manager

**SPECIAL TOWN COUNCIL MEETING INFORMATION FOR ITEM’S 8, 9, 11 & 12 AT MAYOR WOOD’S DISCRETION**

**ITEM 8**

ZANDER AULT WILL BE AVAILABLE TO DISCUSS THIS ITEM

**ITEM 9**

THE TOWN HAS BUILT A 60’ CULDESAC AT THE END OF EAST PENNSYLVANIA AVENUE TO ACCOMMODATE THE GOGGS ABILITY TO TURN AROUND IN FRONT OF THEIR LOT. THE 2’ VARIANCE REQUEST WOULD ENABLE THEM TO MOVE OUT OF THEIR TRAVEL TRAILER AND HAVE A HOME ON THEIR LOT CONFORMING TO HEALTH DEPARTMENT REGULATIONS BEING 10’ FROM THE SEPTIC TANK.

**ITEM 11**

THE COUNCIL AGREED ON NOVEMBER 18, 2020 ITEM 15 TO PARTICIPATE IN THE MOU. TOWN ATTORNEY YU SAID WE NEED A RESOLUTION STATING THIS.

**ITEM 12**

HOWARD BUCHANAN WILL BE AVAILABLE TO EXPLAIN THIS LETTER OF SUPPORT REQUEST