

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
JUNE 8, 2006**

**CALL TO ORDER:** 6:00 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION (Participation Voluntary)** Rodney Ross, Bishop  
Church of Jesus Christ of Latter-day  
Saints

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** BE\_\_ TF \_\_ EB \_\_ SC \_\_ AR\_\_ MV\_\_ JW\_\_

**STAFF PRESENT:** FC\_\_ SIS\_\_ GS\_\_ MD\_\_ CPW\_\_ GHG\_\_ SS\_\_ JO\_\_ LG\_\_  
TM\_\_ WS\_\_ RS\_\_

**OTHERS PRESENT:** \_\_\_\_\_

*The Council may discuss, consider or take action on any item listed on this agenda.*

*Council reserves the right to consider any matter out of sequence.*

To accommodate all those who wish to address the Town Council and to facilitate the expeditious consideration of the agenda, it is requested that each person wishing to address the Mayor and Common Council under an agenda item limit his or her comments to a maximum of three minutes.

**A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)**

1. Communications and comments or suggestions from \_\_\_\_\_ citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter,

responding to any criticism or scheduling the matter for further consideration and decision at a later date. No public discussion of comments under this section is permitted, except that other members of the public may, at the discretion of the Mayor, present follow-up comments on a matter raised by a Speaker's Form.

**B. CONSENT AGENDA**

1. Items listed on the agenda with an asterisk which are considered to be routine in nature and which will be enacted by one motion. No separate discussion of these items shall be held unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main agenda. \_\_\_\_\_

**C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER**

1. Brief summary oral presentation of current events by Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law Reform Act specifies the Town Council may not take action on any matter mentioned during this presentation unless the specific matter is properly noticed for legal action. \_\_\_\_\_

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff. \_\_\_\_\_
2. Proclamation declaring June 10, 2006, as Payson High School Class of 1996 Reunion Day. Alumni of the PHS Class of 1996 will be present to accept the proclamation. \_\_\_\_\_

**E. MINUTES**

- \*1. **Council Meeting Minutes:**
  - . [03-09-06](#) Regular Meeting Pages 1-9
  - . [05-23-06](#) Special Meeting Pages 1-2
  - . [05-23-06](#) Special Meeting Pages 1-2
  - . [05-24-06](#) Regular Meeting Pages 1-6

**\*CONSENT\*  
APPROVAL**

BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission.)

- \*2. **Planning and Zoning Minutes:**
  - . [05-08-06](#) Regular Meeting Pages 1-0

**\*CONSENT\***

**F. HEARINGS AND APPEALS**

- 1. **This is a Public Hearing** concerning an Application for a Series 12 Liquor License (#12043052) filed by Lawrence David McIntyre, agent, LGA & S, Inc., dba Main Street Grille, 202 W. Main Street, Payson, Arizona 85541. **This is a Public Hearing.** (Note: application on file in the Town Clerk's office.) \_\_\_\_\_
  
- 2. **This is a Public Hearing** concerning Application [P-324-06](#); request from Bill and Emily Preece and Maria Bleicher, landowners, and Aero Development L.L.C., agent, to amend the Town of Payson General Plan on a 51.6 acre site located north of the Payson Airport from its current designation of "Employment" to "Rural Residential" which is defined as one residence per 1 to 4 acres. The site is located northeast of the Airport. **This is a Public Hearing.** (Note: No action will be taken on this item.) \_\_\_\_\_

**G. RESOLUTIONS AND ORDINANCES**

- \*1. As Council, staff, and the audience have the titles to all resolutions and ordinances, authorization to forego verbal title readings.
  
- \*2. Discussion/possible action concerning **Resolution No. 2192**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE FACILITIES USE AGREEMENT

**\*CONSENT\*  
APPROVAL**

**\*CONSENT\*  
APPROVAL**

BETWEEN THE TOWN OF PAYSON AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, FOR USE OF PAYSON MUNICIPAL AIRPORT FACILITIES. (Amendment to contract with USFS for use of airport facilities.)

- \*3. Discussion/possible action concerning **Resolution No. 2193**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH THE STATE OF ARIZONA, OFFICE OF THE ATTORNEY GENERAL, CIVIL RIGHTS DIVISION. (Agreement to maintain disability access at Green Valley Park.) **\*CONSENT\* APPROVAL**

4. **Second Reading and Public Hearing** concerning **Ordinance No. 685**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2009 NORTH MCLANE ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-007A, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 (MOGOLLON RIDGE). \_\_\_\_\_

**H. UNFINISHED BUSINESS**

- ~~4.\*\* Council Decision Request filed by Fred Carpenter, Town Manager, to direct staff to:~~ \_\_\_\_\_

~~(1) Proceed to develop a lease with Hospitality Support Group for the Payson Event Center Project and return to Council for consideration and possible action; or~~

**\*\*Pulled 6/7/06, 4:00 p.m.**

~~(2) Proceed with a new RFP to allow sale of the property, with appropriate deed restrictions for a hotel/conference center facility.~~

2. Discussion/possible action concerning a possible motion to reconsider the Council's **prior action** on Application P-317-05 (Forest Edge Rezoning). \_\_\_\_\_

3. Discussion/possible action concerning Application P- \_\_\_\_\_

317-05 (Forest Edge Rezoning). **NOTE** - THIS ITEM MAY ONLY BE CONSIDERED IF A MOTION TO RECONSIDER PURSUANT TO H.2 IS MADE AND PASSES.

**I. NEW BUSINESS**

1. Council Decision Request filed by Gordon H. Gartner, Chief of Police, to direct the Town Attorney's Office to prepare an ordinance that addresses the problem of graffiti prevention prohibition and removal. \_\_\_\_\_
2. Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to award the contract for replacement of the damaged sidewalk on Highway 87 and Highway 260 to Intermountain West Civil Constructions, Inc., and authorize the Mayor to sign all necessary contract documents. \_\_\_\_\_
3. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Bonita Pines Condominiums Subdivision as submitted subject to the nine (9) conditions recommended by the Planning and Zoning Commission. \_\_\_\_\_
4. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Manzanita Hills Phase Six Subdivision as submitted subject to the fourteen (14) conditions recommended by the Planning and Zoning Commission. \_\_\_\_\_
5. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Mazatzal Mountain Air Park Unit 4 Subdivision as submitted subject to the twelve (12) conditions listed in the Planning and Zoning Commission motion. \_\_\_\_\_
6. Council Decision Request filed by Mayor Edwards to direct staff to prepare an ethics policy covering council members, election campaigns and staff. \_\_\_\_\_
7. Council Decision Request filed by Council Member Vogel to direct Town staff to prepare an ordinance to change regular Council meetings days from the 2nd and 4th Thursdays of the month to the 1st and 3rd Thursdays of the month. \_\_\_\_\_

**J. CLAIMS**

- \*2. List of Checks paid 05/26/06, Check Nos. 37241 through 37411, and authorization to file the checks for audit. **\*CONSENT\* APPROVAL**

**K. MISCELLANEOUS**

- \*1.\*\* Acceptance, with regrets, of the resignation of Judy Miller from Green Valley Redevelopment Area Committee, with thanks for a job well done. (Letter on file in the Town Clerk's office.) **\*CONSENT\* APPROVAL**  
~~\*\*Pulled 6/7/06, 4:00 p.m.~~

- \*2.\*\* Appointment of Council Member Mike Vogel to the Central Arizona Association of Governments (CAAG) Regional Council. **\*CONSENT\* APPROVAL**  
~~Pulled 6/7/06, 4:00 p.m.~~

- ~~\*3.\*\* Reappointment of John Schulz and Joel Goode to the Industrial Development Authority, terms to expire June 12, 2012. (Letters on file in Town Clerk's office.)~~ **\*CONSENT\* APPROVAL**  
~~\*\*Pulled 6/7/06, 4:53 p.m.~~

- 4. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03. \_\_\_\_\_

**L. PUBLIC COMMENTS**

- 1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted. \_\_\_\_\_

**CLASSIFICATIONS FOR EXECUTIVE SESSION**

Note: Should an executive session be convened on any item(s) listed on the regular meeting agenda, Council will review, discuss, or receive advice of Counsel, which will be considered under the respectively approved classifications listed below:

- a. ARS 38-431.03.A.1 Personnel Matters. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
- b. ARS 38-431.03.A.2 – Discussion or consideration of records exempt by law from public inspection; including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
- c. ARS 38-431.03.A.3 – Discussion or consultation for legal advice with the attorney or attorneys of the public body.
- d. ARS 38-431.03.A.4 – Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation.
- e. ARS 38-431.03.A.5 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
- f. ARS 38-431.03.A.6 – Discussion, consultation or consideration for international and interstate negotiations by a city or town, or its designated representatives, with

members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.

- g. ARS 38-431.03.A.7 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiation for the purchase, sale or lease of real property.
- 1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.

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THE TOWN OF PAYSON ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN ALSO BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 474-5242 (VOICE) OR 472-6449 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

**NOTE: The information discussed in the Executive Session and the minutes of the Executive Session are confidential.**