

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
SEPTEMBER 7, 2006**

CALL TO ORDER: ~~6:00 p.m.~~ ****5:30 p.m.** in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona. ****Corrected 9/5/06 at 10:35 a.m.**

**INVOCATION
(Participation Voluntary)**

Joe Falkner, Ponderosa Baptist Church

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

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.
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D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
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2. **Proclamation** declaring September 17 - 23, 2006 as [Constitution Week](#). Members of the Daughters of the American Revolution will be present to accept the proclamation.
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E. MINUTES

- *1. **Council Meeting Minutes:**
 - .08-10-06 [Regular Meeting](#) Pages 1-9
 - .08-28-06 [Special Meeting](#) Pages 1-3
 - .08-29-06 [Special Joint Meeting](#) Pages 1-5
- *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.)

No items in this section.

CONSENT

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by John R. Wilson, agent, Library Friends of Payson, for the **fundraiser for the new addition to the Payson Public Library** events to take place as follows:

Saturday, 2/17/07, 3:00 p.m. - 8:00 p.m.

Note: Application available for review in the Town Clerk's Office.

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.

***CONSENT* APPROVAL**

- 2.* Discussion/possible action concerning **Resolution No. 2206** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, CONSENTING TO THE SALE, ASSIGNMENT AND TRANSFER OF THE FRANCHISE AGREEMENT BETWEEN ENERGY WEST ARIZONA, A DIVISION OF ENERGY WEST, INC., AND THE TOWN OF PAYSON AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH SEMSTREAM ARIZONA PROPANE, L.L.C., FOR A FRANCHISE FOR GAS SERVICE IN THE TOWN OF PAYSON.

***CONSENT* APPROVAL**

- 3.* Discussion/possible action concerning **Resolution No. 2207** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON HUMANE SOCIETY, INC., FOR FISCAL YEAR 2006-2007.

***CONSENT* APPROVAL**

- 4.* Discussion/possible action concerning **Resolution No. 2209** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TO APPROVE, PURSUANT TO A.R.S. SECTION 48-262(f), AN ANNEXATION OF ADDITIONAL TERRITORY INTO THE NORTHERN GILA COUNTY SANITARY DISTRICT OF THOSE CERTAIN PARCELS OF REAL PROPERTY AS DENOMINATED ON THE ATTACHED EXHIBIT "A" (MANZANITA HILLS SIX, L.L.C., PAYSON, ARIZONA, BRUCE T. GRIFFIN, OWNER, ASSESSOR'S PARCEL NOS. 304-09-113J, 304-09-114C, 304-09-114B, 304-09-112A, 304-09-112B, 302-43-002C).

***CONSENT* APPROVAL**

- 5.* Discussion/possible action concerning **Resolution No. 2211** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH NON-PROFIT ORGANIZATIONS FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.

Note: Agreements can be viewed in the Town Clerk's Office

***CONSENT* APPROVAL**

- 6.* Discussion/possible action concerning **Resolution No. 2213** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING RIGHT OF WAY ON SOUTH MCLANE ROAD DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

***CONSENT* APPROVAL**

7. Westerly Drive Improvement District:

- a. **This is a Public Hearing** re: Hold a hearing on the assessment for **Westerly Drive Improvement District**; receive a report from the Clerk

concerning objections against the assessment, if any are received.

b. Act on a resolution approving the assessment for such district.

c. Discussion/possible action concerning **Resolution No. 2215**, captioned as follows: RESOLUTION APPROVING THE ASSESSMENT FOR TOWN OF PAYSON, ARIZONA, WESTERLY DRIVE IMPROVEMENT DISTRICT; DETERMINING THAT THE CONSTRUCTION WORK FOR SUCH IMPROVEMENT IS COMPLETED; AND MAKING TECHNICAL CORRECTIONS.

H. UNFINISHED BUSINESS

1. [Council Decision Request](#) filed by LaRon Garrett, Assistant Public Works Director/Town Engineer, to approve the **Mud Springs Road Phase 1 re-design contract** with Tetra Tech, Inc. for \$34,300 and authorize the Mayor to sign all necessary Contract Documents.

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2. [Council Decision Request](#) filed by LaRon Garrett, Assistant Public Works Director/Town Engineer, to grant a six month approval for the **Final Subdivision Plat for the East Gateway Phase 2 Subdivision** and Authorize the Mayor to sign said document and authorize staff to record said document.

I. NEW BUSINESS

1. [Council Decision Request](#) filed by LaRon Garrett, Assistant Public Works Director/Town Engineer, to approve the **purchase of a 20' x 40' metal building** to be used as the Street Department Sign Shop from ATY Building Systems, Inc. for \$15,000.

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- ~~2.** [Council Decision Request](#) filed by Colin Walker, Public Works Director, to authorize the **purchase of one two wheel drive compact pickup and one four wheel drive compact pickup** from Courtesy Chevrolet in the amount of \$41,354.13 and to allocate the cost to the Water Enterprise Fund.~~

~~**Pulled from agenda 9/6/06, 3:30 p.m.~~

- 3.* [Council Decision Request](#) filed by Colin Walker, Public Works Director, to implement the FY 2006-2007 water fixture retrofit program and to allocate all costs to the Water Enterprise Fund.

***CONSENT* APPROVAL**

4. [Council Decision Request](#) filed by Carol McCauley, Main Street/Redevelopment Area Manager, to approve the **street closure on South Green Valley Parkway** from the Town Yard to the north side of the driveway into the Museum and Main Street Office parking lot from 6:30 a.m. on Saturday, September 30, 2006 to 9:00 p.m. on Sunday, October 1, 2006 to hold the Payson "All American Soapbox Derby Rally" race.
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5. [Council Decision Request](#) filed by Carol McCauley, Main Street/Redevelopment Area Manager, to approve the **Main Street closure for the purpose of presenting the Sixth Annual Main Street APS Electric Light Parade** on Saturday, December 2, 2006 from Highway 87 on the east to Green Valley Parkway on the west from 4:30 p.m. to 10:00 p.m.
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6. [Council Decision Request](#) filed by Donald Engler, Commander, to authorize the Payson Police Department to **upgrade the current part-time 911/communications dispatch position to a full-time 911/communications dispatch position.**
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7. [Council Decision Request](#) filed by Silvia Smith, Town Clerk, to approve the transfer of Contingency Funds of \$6,000.00 to **purchase the upgrade for the Mobile Encoder software from Granicus.**
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8. [Council Decision Request](#) filed by Jerry Owen, Community Development Director, to **adopt a policy restricting the installation of any new gates on local streets, public or private.**
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9. [Council Decision Request](#) filed by Jerry Owen, Community Development Director, to **adopt the catalog of all new developments in the pipeline.**
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10. [Council Decision Request](#) filed by William Schwind, Parks and Recreation Director, to authorize the expenditure of \$11,180.00 from the Town of Payson's contingency fund for the installation of upgraded **ball field lighting assemblies for the Rumsey I and II ball fields.**
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J. CLAIMS

- 1.* List of checks paid from 6/20/06 through 8/31/06, Check Nos. 37664 through 38709, **except Checks Nos. 37954, 38004 and 38685**, and authorization to

file the check for audit.

***CONSENT* APPROVAL**

- 2.* **Check No. 37954**, paid 7/20/06, authorization to file the check for audit. **(Note: due to perceived and/or conflict of interest, Councilmember Blair will be considered to have abstained from voting on this item.)**

***CONSENT* APPROVAL**

- 3.* **Check No. 38004**, paid 7/20/06, and **Check No. 38685**, paid 8/30/06, authorization to file the checks for audit. **(Note: due to perceived and/or conflict of interest, Councilmember Vogel will be considered to have abstained from voting on this item.)**

***CONSENT* APPROVAL**

K. MISCELLANEOUS

1. Discussion/possible action concerning [Off-Track Wagering](#) on behalf of American Greyhound Racing, Inc., at Phoenix Greyhound Park, at the Ox Bow Saloon, 607 W. Main Street, Payson, Arizona.

- 2 * Acceptance with regrets, of [Hilda Crawford's resignation](#) from the Airport Advisory Committee, with thanks for a job well done.

***CONSENT* APPROVAL**

- 3.* Appointment of Charles W. Day to the Airport Advisory Committee, to fill the vacancy left by Hilda Crawford, term to expire 12/31/07. (Application on file in the Town Clerk's Office.)

***CONSENT* APPROVAL**

- 4.* Appointment of Paul H. Rasmussen to the Industrial Development Authority, to fill the vacancy left by Ann Stavenass, term to expire 12/11/09. (Application on file in the Town Clerk's Office.)

***CONSENT* APPROVAL**

5. 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.

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.

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.

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