

**COMMON COUNCIL OF THE TOWN OF PAYSON
ACTIONS OF THE REGULAR MEETING
FEBRUARY 15, 2007**

CALL TO ORDER: 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION (Participation
Voluntary)**

Lowell Andrews
Anglican Church of the Holy Nativity

PLEDGE OF ALLEGIANCE

ROLL CALL: BE_P_ TF_P_ EB_P_ SC_P_ AR_P_ MV_P_ JW_P_

STAFF PRESENT: FC_P_ SIS_P_ GS_P_ MD_P_ CPW__ GHG__ SS__
JO_P_ LG_P_ TM__ RM_P_ 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)

None.

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.

EB-JW, 7-0

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.

Fred Carpenter.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.

MV - dog bite - Penny Pew

EB - MALDEF letter - level playing ground

2. **Presentation** of the annual audit report by Dennis Osuch of Cronstrom & Trbovich. Glenn introduced. Osuch gave report.
3. **Presentation** and discussion/possible action concerning the Task Force on Finance Special Report and Summary. (Copy available for viewing in Town Clerk's Office.) Ms. Joanie King, Task Force Chairperson will make the presentation.

Accepted report, 7-0

Request Town Manager to do some reports in this regard.

E. MINUTES

1.* Council Meeting Minutes:

- . [01-11-07](#) Special Meeting Pages 1-3
- . [01-18-07](#) Special Meeting Pages 1-2
- . [01-18-07](#) Regular Meeting Pages 1-7

***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.* Building Advisory Board Minutes:

. [01-10-07](#) Regular Meeting Pages 394-395

CONSENT

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Series 12 Liquor License (#12043056) filed by Richard Eugene Floyd, agent, Cardo's Pizza Italian Restaurant, 205 E. Highway 260, Suite A-1, Payson, Arizona. **This is a Public Hearing.** (Application on file in the Town Clerk's office.)

TF-JW, 7-0

Moved up Items G.5, H.2, H.3 for discussion/possible action.

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. 2235**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTIONS 33-75 THROUGH 33.79 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON, CREATING PAYSON'S HOUSING ADVISORY COMMISSION, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

EB-TF, 7-0 - Sent to Am Leg; copies to Jerry & Beth.

3. **Second Reading and Public Hearing** concerning **Ordinance No. 701**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, CREATING PAYSON'S HOUSING ADVISORY COMMISSION BY ADDING SECTIONS 33.75 THROUGH 33.79 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON. **Second Reading and Public Hearing.**

TF-JW, 7-0 - Sent to Am Leg; copies to Jerry & Beth; to Tracie for posting and publishing.

4. Discussion/possible action concerning **Resolution No. 2246**, 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 INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON FOR A.G. CONTRACT NO. KR07-0018TRN, ADOT PROJECT (SAINT PHILLIPS STREET).

TF-JW, 7-0. Sent cert. copy of Res and all copies signed agreement to ADOT. Kept copy of agreement w/Res.

5. **First Reading and Public Hearing** concerning **Ordinance No. 706**, 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 NUMBERS 302-35-007(A) & 302-35-252, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 AND R3 (MOGOLLON RIDGE). **First Reading and Public Hearing.**

Mayor suggest more work be done between citizens and developers to reach an agreement.

- 6.* *Discussion/possible action concerning **Resolution No. 2247**, captioned as follows: RESOLUTION OF THE MAYOR AND*
** *COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF AN AMENDMENT TO THAT CERTAIN LEASE-PURCHASE AGREEMENT DATED NOVEMBER 30, 2005 BETWEEN THE TOWN AND BANK OF NEW YORK TRUST COMPANY, N.A., AND DECLARING AN EMERGENCY.*

***CONSENT* APPROVAL**

****Added 2/13/06, 10:30 a.m.**

Lease-Purchase Agreement signed with Resolution. Originals to Glenn w/cert. copy of Res. to send. Copy of agreement with original resolution in tickler file.

H. UNFINISHED BUSINESS

1. Council Decision Request filed by Mary McMullen, Recreation Coordinator, to direct Town Council to approve adoption of the Payson Area Trails System (**PATS**), formerly referred to in its planning stages as the Community Trails Network.

Postponed to special meeting on 2/20, but later put on 3/1/07 regular meeting agenda.

2. Consideration of a motion to remove from the table of the January 4, 2007, regular Council meeting a Council Decision Request concerning the McLane Park Subdivision Preliminary Plat.

TF-MV, 7-0

3. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the [McLane Park Subdivision](#) as submitted subject to the fourteen (14) conditions recommended by the Planning and Zoning Commission.

MV-JW 5-2; TF, EB "No" (Roll Call vote taken)

I. NEW BUSINESS

1. Council Decision Request filed by Martin deMasi, Fire Chief, to authorize the Payson Fire Chief to negotiate [Fire/EMS](#) service agreements with the Rim Ranch Club (Fox Farm) and Canyon River Ranch (Doll Baby Ranch) developers.

MV-TF, 7-0 for Rim Ranch Club only (Fox Farm).

- 2.* *Council Decision Request filed by Glenn Smith, Chief Fiscal Officer, to approve [Amendment No. 1 to Lease Purchase Agreement between the Town of Payson and The Bank of New York Trust Company, N.A.](#)*

***CONSENT* APPROVAL **Added 2/12/07**

****SEE RESOLUTION NO. 2247****

J. CLAIMS

- 1.* List of checks paid from 1/26/07 through 2/7/07, Check Nos. 40441 through 40655, **except Check No. 40504**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No. 40504, paid 1/31/07, and authorization to file the check for audit. (**Note: due to a perceived and/or conflict of interest, Vice-Mayor Fruth will be considered to have abstained from voting on this item.**)

***CONSENT* APPROVAL**

K. MISCELLANEOUS

1. Request by the Yavapai County Fair Association, dba [Yavapai Downs](#), to conduct Off Track Wagering at Famous Sam's, 307 S. Beeline Highway, Suite J, Payson, Arizona for the years 2007, 2008 and 2009.

Fails for lack of motion.

- 2.* Council Decision Request filed by Silvia Smith, Town Clerk, to correct the [minutes of the June 22, 2006](#) meeting to change the terms to expire for reappointments to the IDA Committee for Joel Goode and John Schulz to 6/12/2011.

***CONSENT* APPROVAL**

3. 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.

Barbara Underwood asked to reconsider Canyon River Ranch fire service.

Chris Anderson - developer - have gone through fire prevention with 20-foot perimeter, etc. Road changes, to be paved.

Meeting adjourned at 8:48 p.m.

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.

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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.