

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
February 16, 2012**

CALL TO ORDER

Mayor Evans called the regular meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, Marti deMasi - Fire Chief, Don Engler - Police Chief, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, Terry Morris - Library Director, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Gaye Stidham - Deputy Town Clerk, Hope Cribb - Finance Manager, Tomi Huddlestun - Human Resources Director.

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.

There were no comments from the public.

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.

Motion: to approve the CONSENT AGENDA.

Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

MAR 01 2012 E. I.*

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

1. Brief presentation of current events by the Town Manager, Mayor, and/or Council Members.

Council Member Wilson announced the results of the Payson Area Food Drive exceeded expectations with over 55,000 pounds of food and \$33,001.40 in cash donated. The hospital has a challenge going now to raise the money to bring the dollar amount to \$35,000. He also announced the beginnings of a community garden. They are looking for fencing to complete the project and are working with Buzz Walker, Water Superintendent, to find ways to water the garden cost effectively.

2. Documents, materials and information for Council review. There were no informational materials provided for Council review.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

No further comments were made by the Council Members.

E. MINUTES

1. *Council Meeting Minutes:

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CONSENT APPROVED

F. HEARINGS AND APPEALS

There were no items in this section.

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 APPROVED

2. Discussion/possible action concerning Resolution No. 2650 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN AMENDED PERSONNEL POLICY MANUAL.

Attorney Wright explained this was the culmination of years of work by staff. The four areas of change include the removal of the Town Manager from some administrative aspects of her job, amending the Paid Time Off benefits for prospective employees hired on or after July 1, 2012, eliminating pay outs for accrued PTO and changes to the disciplinary and appeal processes. This is a philosophical shift that removes the Council from the employee disciplinary and

appeal process to protect the objectivity of the process, removing the potential for political decisions. The Employee Ethics Policy is now incorporated in the Personnel Manual. There are some technical, clarifying and conforming changes also.

Motion: to Approve Resolution No. 2650 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN AMENDED PERSONNEL POLICY MANUAL. Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Council Member Carpenter asked if the PTO accrual changes would affect existing employees. Manager Galbraith explained that none of the changes in PTO would put current employees at a disadvantage. During the process of reviewing the personnel manual, the group had in mind, at all times, that changes would not hurt the current employees.

Council Member Blair thought the phrase "other things may constitute dismissal" was too broad. Attorney Wright explained that the introductory paragraph defined acceptable conduct with 25 specific conducts on the list. However, this was not all inclusive. Conduct that would effect the performance of an employee's duties could be dismissible offenses, but not the personal liking or disliking of a particular employee.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

3. Second Reading and Public Hearing concerning Ordinance No. 820 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON TO CONFORM WITH THE TERMS OF THE C.C. CRAGIN WATER CONTRACT WITH SALT RIVER PROJECT. Second Reading and Public Hearing.

Mayor Evans opened the public hearing. Attorney Wright explained this takes our current policy and makes sure it hasn't the potential to conflict with C.C. Cragin contracts. There were no comments from the public and Mayor Evans closed the public hearing.

Motion: to Approve Ordinance No. 820 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON TO CONFORM WITH THE TERMS OF THE C.C. CRAGIN WATER CONTRACT WITH SALT RIVER PROJECT.

Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. Council Decision Request filed by Tim Wright, Town Attorney, (1) updating the Council on current and pending State Legislation regulating designer drugs; (2) addressing issues involved in regulating designer drugs at both the State and local levels; and (3) seeking Council support for staff efforts to investigate local options for regulation of designer drugs.

Attorney Wright explained the purpose of this CDR was to inform the public and the Council that staff was aware of these issues. HB 2356 passed the Legislature yesterday outlawing specific chemicals in this generation of designer drugs. Town staff is still looking into what can be done on the local level to address the next generation of designer drugs.

Council Member Blair asked if a complete list of places selling designer drugs was available. Chief Engler has visited each of the locations and observed the selling of these products.

Council Member Carpenter asked if this legislation would outlaw what is being sold now at these locations. Chief Engler responded that he did not believe it covered all that the Department was concerned about.

Council Member Connell said she supports this Council Decision Request. She said it harken back to 1980 when Nancy Reagan said "just say no to drugs" only we need to "just say no to where they sell drugs."

Motion: to Approve a Council Decision Request filed by Tim Wright, Town Attorney, (1) updating the Council on current and pending State Legislation regulating designer drugs; (2) addressing issues involved in regulating designer drugs at both the State and local levels; and (3) seeking Council support for staff efforts to investigate local options for regulation of designer drugs.

Moved by Council Member Su Connell, seconded by Council Member Fred Carpenter.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

2. Council Decision Request filed by Colin Walker, Water Superintendent, to enter into a contract approved by the Town Attorney with Waste Matters, Inc. for solid waste trash collection and recycling services at various Town of Payson municipal facilities for trash collection and two designated recycling sites.

Attorney Wright gave an overview of the public bidding process noting that the process was not necessarily to receive the best price, but to allow all bidders to receive a fair chance, not withstanding their political connections, etc. The bid contract before Council had two options; either the Council could reject all bids or ask staff to rebid the project with direction from Council. He reminded the Council that the bidding process was to select the lowest, responsive, responsible bidder. Staff's selection of Waste Matters' bid was under that criteria.

Water Superintendent Buzz Walker read the CDR noting that Waste Matter's bid for all services was lower than just the recycling bid of previous years.

John Stanton, Rim Country Regional Chamber of Commerce, read a statement supporting Melodi Deaton and giving her civic service history. (Statement attached)

Melodi Deaton, Waste Management District Operations Manager, disputed the bidding selection. She asked the Council to focus on the community recycling that Waste Management has already done and could do in the future and not just the cheapest price. (Statement attached)

Ted Prince read a letter written by Robert Henley. Mr. Henley is President of Big Brothers Big Sisters Payson chapter and President of the Chamber of Commerce. He asked Council to defer their decision and look at how each bidder would handle recyclables and not just trash pick-up. He asked the Council also look at community commitment to recycling in their decision. (Letter attached)

Council Member Blair asked concerning Waste Matters' disposal of recyclables. Mr. Haught explained that documentation was required as proof of where recyclables were delivered. Waste Matters would be using Hudson Bailey.

Ms. Deaton said that Waste Management recyclables all go to to their facility in Surprise. They are weighed and tracked as they leave their Payson facility.

Council Member Carpenter asked how our agreement with Gila County for paper recycling would be effected. Mr. Walker replied that the paper program would continue to run as before and was not part of this bid. Mr. Walker added that there was no reason to expect that Waste Matters could not perform their part of the recycling project. He said that worrying over the disposing of recyclables was unnecessary as documentation and reporting was required by the State of Arizona.

Council Member Connell said that the decision was between the experience in recycling of these two vendors. She asked each if they thought they could handle the increase in recycling and trash that would be part of a university campus in Payson. Both Ms. Deaton and Mr. Haught believed they could handle that type of increase.

Council Member Wilson asked for clarification, summarizing that they would be voting on trash pick up for the Town of Payson departments and drop off locations for recyclables other than paper products. Mr. Walker replied, yes, he was correct.

Council Member Blair asked Ms. Deaton how the aluminum recycling would

continue to benefit the Humane Society. Ms. Deaton replied that the Humane Society would continue to receive aluminum and plastics, metals, etc. would be brought to Waste Management. She said Waste Management was also offering a \$1,000 credit off a year of special event costs and would bring recycling boxes to special events. Mayor Evans asked if these additional considerations were post the bid process. Ms. Deaton said they were added to the bid submission.

Council Member Blair questioned the difference in costs between the bidders and the frequency of dumping at the W. Country Club Drive site. Mr. Walker explained that the language in the contract stated the dumping was as needed and the bidders' responses reflected that.

Council Member Wilson asked if the same criteria applied to each bidder. Mr. Walker said that it did.

Council Member Croy stated that the bidder knows what is expected for this job and would be discharged if they did not do the job. Community involvement was not part of the bid for service. Liking something about someone should not be charged to the tax payer. Mayor Evans added that recycling was less than a third of the bid price.

Motion: hold off on any contract awards at this meeting and instead direct staff to create a more extensive RFP for solid waste and recycling that will include, in its evaluation and recommendation process, community participation and location of community drop-off facilities and their impact on participation, as components of the staff evaluation process.

Moved by Council Member Su Connell, seconded by Council Member John Wilson.

Attorney Wright restated the motion stating that basically the motion was asking to reject bids and rebid the project with an added potential portion concerning community involvement. He explained that adding community involvement would be hard as it would come down to local preference.

Council Member Carpenter asked how long this would delay getting a contractor with these added implications. Mr. Walker said that the current provider, Waste Matters, would continue to bill monthly and it would take about two months. Council Member Carpenter added that he would oppose this motion.

Council Member Wilson asked for clarification on the price difference in services provided. Mr. Walker said that it is not unusual to have a 50% difference in bids and this bid was very typical.

Council Member Blair suggested changing the motion to rescind all of the motion after the recycling and to do it over. He thought there should be more clarity in the bid process.

Council Member Carpenter said he agreed with Council Member Croy. He added that Mr. Haught had given many years of his life to community service.

Motion: to call the question and end the debate.

Moved by Vice-Mayor Michael Hughes.

Vote: Motion carried 6 - 1.

Yes: Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

No: Mayor Kenny J. Evans.

Motion: to Approve a Council Decision Request filed by Colin Walker, Water Superintendent, to enter into a contract approved by the Town Attorney with Waste Matters, Inc. for solid waste trash collection and recycling services at various Town of Payson municipal facilities for trash collection and two designated recycling sites.

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Council Member Blair restated his belief that the bid documents had flawed mathematics and that this was not fair. Council Member Connell restated her belief that bids should be reviewed to make sure that the data is correct and complete.

Mayor Evans noted that the amount of difference in the price of recycling was between \$6,000 and \$7,000, remarkably close at about 16%. The basic service, however, was a difference of 50%.

Mr. Haught reviewed their service costs to the Town over the last several years. In 2008 the base price was \$21,486 and by 2011 they had been able to bring the price down to \$16,200.

Vote: Motion carried 5 - 2

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Fred Carpenter, Council Member Richard Croy, and Council Member John Wilson.

No: Council Member Ed Blair, and Council Member Su Connell.

J. CLAIMS

1. *List of checks paid from January 19, 2012 through February 2, 2012, Check Nos. 017040 through 017181, and authorization to file the checks for audit.
CONSENT APPROVED

K. MISCELLANEOUS The following applications/letters/e-mails are on file in the Town Clerk's office.

1. *Approval of Jim Hunt as Chair and Bill Day as Vice-Chair of the Airport Commission.
CONSENT APPROVED

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. There were no comments from the public.

ADJOURNMENT

Mayor Evans adjourned the regular meeting at approximately 6:57 p.m.

Moved by Vice-Mayor Michael Hughes.

APPROVED:

_____ Date: _____

Kenny J. Evans, Mayor

ATTEST:

Silvia Smith, Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Payson held on this day the 16 of February, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2012.

Gaye Stidham, Deputy Town Clerk