

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
JULY 13, 2006**

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

INVOCATION (Participation Voluntary)

Ric Hatch, Pastor
First Southern Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL: BE__ TF __ EB __ SC __ AR__ MV__ JW__

Note: Clmn. Vogel may be present telephonically.

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. _____

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

E. MINUTES

- *1. **Council Meeting Minutes:** ***CONSENT***
 . 06-01-06 Special Meeting Pages 1-2 **APPROVAL**
 . 06-08-06 Regular Meeting Pages 1-13
 . 06-14-06 Special Meeting Pages 1-3

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:** ***CONSENT***
 . 02-22-06 Regular Meeting Pages 383-385

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Leland R. Schwein, agent, B.P.O. Elks Lodge #2154 for a fundraising event to be held on Saturday, 08/19/06, from 11:00 a.m. to 11:00 p.m. at 1206 N. Beeline Highway, Payson, Arizona. **This is a Public Hearing.** (Application on file in the Town Clerk's office.) _____
- 2, **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Leland R. Schwein, agent, B.P.O. Elks Lodge #2154 for a fundraising event to be held Saturday 10/21/06, 11:00 a.m. to 11:00 p.m. at 1206 N. Beeline Highway, Payson, Arizona. **This is a Public Hearing.** (Application on file 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. 2195,** _____

captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING P-324-06, A MAJOR AMENDMENT TO THE TOWN OF PAYSON'S 2004 GENERAL PLAN AMENDING THE LAND USE DESIGNATION FOR A 51.6 ACRE PARCEL NORTH OF THE AIRPORT FROM 'EMPLOYMENT' TO 'RURAL RESIDENTIAL.' (GENERAL PLAN AMENDMENT FOR SILVERWING)

3. Discussion/possible action concerning **Resolution No. 2198**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A GRANT APPLICATION TO THE ARIZONA DEPARTMENT OF COMMERCE FOR THE GROWING SMARTER PLANNING GRANT PROGRAM.
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- *4. Discussion/possible action concerning **Resolution No. 2199**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. THREE TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE STATE OF ARIZONA RELATING TO SIDEWALK REPAIR (AG CONTRACT NO. KR03-0388TRN).

***CONSENT*
APPROVAL**

5. **Second Reading and Public Hearing** concerning **Ordinance No. 686**, 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 400 NORTH TYLER PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-036V, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6PAD (BOULDER RIDGE). **Second Reading and Public Hearing.**
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6. **Second Reading and Public Hearing** concerning **Ordinance No. 689**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 30.35 OF THE CODE OF THE TOWN OF PAYSON, REPEALING RULES 4.1, 4.2, AND 4.3 OF THE TOWN COUNCIL MEETINGS RULES OF PROCEDURE, AND ADOPTING AN AMENDED SCHEDULE FOR REMAINING 2006 TOWN COUNCIL MEETINGS (CHANGING REGULAR COUNCIL MEETINGS TO 5:30 PM ON THE FIRST AND THIRD THURSDAYS OF EACH MONTH. **Second Reading and Public Hearing.**
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H. UNFINISHED BUSINESS

- *1. Motion to remove Application P-317-05 (Forest Edge Rezoning) from the table. ***CONSENT* APPROVAL**
- 2. Discussion/possible action concerning Application P-317-05 filed by Terra-Payson 65, LLC, property owner, Mark Perry, authorized agent; a request for a zone change from R1-175 to R1-44-PAD for a 64.03 acre property in the 1200 to 1700 block of E. Cedar Lane to allow a 54 single family residential unit subdivision (Forest Edge Rezoning). _____
- *3. Council Decision Request filed by Ted Anderson, Airport Manager, to reject the bid proposal submitted by GE Modular Space for the Airport Portable Office Trailer. ***CONSENT* APPROVAL**

I. NEW BUSINESS

- 1. Council Decision Request filed by Glenn W. Smith, Chief Fiscal Officer, to adopt the Tentative Budget for the Fiscal Year 2006/2007 for \$39,395,309. _____
- *2. Council Decision Request filed by William Schwind, Parks and Recreation Director, to authorize the Town of Payson to enter into an intergovernmental agreement (I.G.A.) with the Arizona Game and Fish Department for services provided within the State Urban Fishing Program and for the Mayor to sign all necessary documents. ***CONSENT* APPROVAL**
- *3. Council Decision Request filed by Buzz Walker, Public Works Director, to authorize the Mayor to sign a contract amendment with the Arizona Department of Environmental Quality for the Operation of the WQARF Treatment Plant located at 204 W. Aero Drive. ***CONSENT* APPROVAL**

J. CLAIMS

- *1. List of checks paid from 6/20/06 through 6/29/06, Check Nos. 37664 through 37913, and authorization to file the checks for audit. ***CONSENT* APPROVAL**

K. MISCELLANEOUS

- 1. 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.