

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
DECEMBER 14, 2006**

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

INVOCATION (Participation Voluntary) Gordon Hauptman, Crossroads Foursquare Church

SPECIAL MUSIC - Payson High School Choir will perform "*The Star-Spangled Banner*" and "*America The Beautiful*."

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: FC__ SIS__ GS__ MD__ CPW__ GHG__ SS__ JO__ LG__ TM__
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:

- . [11-02-06](#) Regular Meeting Pages 1-10
- . [11-09-06](#) Special Meeting Pages 1-3
- . [12-05-06](#) Corporate Strategic Plan Pages 1-3

***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 Commission Minutes:

- . [10-23-06](#) Regular Meeting Pages 1-7

CONSENT

3.* Building Advisory Committee Minutes:

- . [10-11-06](#) Regular Meeting Pages 388-389

CONSENT

4.* Board of Adjustments Minutes:

- . [10-18-06](#) Public Meeting Pages 213-215

CONSENT

5.* Surface Transportation Advisory Committee Minutes:

- . [09-06-06](#) Regular Meeting Pages 103-106

CONSENT

F. HEARINGS AND APPEALS

There are 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* APPROVAL**

2. Discussion/possible action concerning removing Ordinance Nos. 694, 695, 696, and Resolution Nos. 2214 and 2226 from the table.
3. **Ordinance No. 694**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 3 TO SECTION 15-09-008(G) OF THE TOWN OF PAYSON UNIFIED DEVELOPMENT CODE, TO ESTABLISH A REQUIREMENT FOR A TWO-THIRDS VOTE OF THE TOWN COUNCIL FOR APPROVAL OF A CHANGE IN THE TOWN ZONING MAP.

Ordinance No. 695, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A LONG TERM PLAN FOR WATER AND GROWTH AND PROVIDING FOR ITS IMPLEMENTATION.

Discussion/possible action concerning **Resolution No. 2214**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

Ordinance No. 696, 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, ADOPTING SUCH AMENDMENTS BY REFERENCE, AND REPEALING ORDINANCE 579 (AMENDING NEW DEVELOPMENT WATER REQUIREMENTS).

Discussion/possible action concerning **Resolution No. 2226**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A POLICY FOR THE EQUIVALENT RESIDENTIAL UNIT CREDITS ARISING FROM THE TOWER WELL TO PROMOTE A STRATEGIC GROWTH TO BUILD OUT POLICY FOR PAYSON.

- 4.a. Discussion/possible action concerning **Resolution No. 2221**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
- b. **Second Reading and Public Hearing** concerning **Ordinance No. 699**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND 15-09-009 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES). **Second Reading and Public Hearing**.
- 5.a. Discussion/possible action concerning **Resolution No. 2222**, captioned as

follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001 AND ADDING SECTION 15-02-008 TO CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD (CREATING A NATIONAL FOREST ZONING DISTRICT).

- b. **Second Reading and Public Hearing** concerning **Ordinance No. 697**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001, RENUMBERING SECTION 15-02-008, AND ADDING NEW SECTION 15-02-008 ALL OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND ADOPTING SUCH AMENDMENTS AND ADDITIONS BY REFERENCE (CREATION OF A NATIONAL FOREST ZONING DISTRICT). **Second Reading and Public Hearing.**
- 6.* Discussion/possible action concerning **Resolution No. 2234**, 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 EXHIBITS "A". (200 EAST MALIBU DRIVE, PAYSON, ARIZONA, GARY MARTINSON, OWNER, ASSESSOR'S PARCEL NO. 304-02-015F.)

***CONSENT* APPROVAL**

- 7.* Discussion/possible action concerning **Resolution No. 2237**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING MODIFICATION #3 TO AN AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, FOR PROVISION OF LAW ENFORCEMENT SERVICES ON THE TONTO APACHE INDIAN RESERVATION, AND AUTHORIZING THE MAYOR TO EXECUTE SUCH MODIFICATION #3 TO SUCH AGREEMENT.

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8. Discussion/possible action concerning **Resolution No. 2238**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REQUESTING THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONDUCT A PLANNING STUDY FOR AN ALTERNATE ROUTE SOUTHEAST OF PAYSON BETWEEN STATE ROUTE 87 AND STATE ROUTE 260.
9. **Second Reading and Public Hearing** concerning **Ordinance No. 698**, 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 IN THE 1200 TO 1700 BLOCK OF EAST CEDAR LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-

315G, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-44 (FOREST EDGE).

Second Reading and Public Hearing.

10. **First Reading and Public Hearing** concerning **Ordinance No. 702**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN AMENDMENT TO THE CODE OF THE TOWN OF PAYSON, BY ADDING SECTION 130.39 (PERMANENT SIGNS IN TOWN OWNED RIGHT OF WAY). **First Reading and Public Hearing.** (Note: Resolution No. 2236 is provided for information only.)
11. **First Reading and Public Hearing** concerning **Ordinance No. 703**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.40 TO THE CODE OF THE TOWN OF PAYSON (TEMPORARY SIGNS IN TOWN RIGHT OF WAY). **First Reading and Public Hearing.**
12. Discussion/possible action concerning **Resolution No. 2231**, 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 TOWN OF PAYSON AND THE TOWN OF STAR VALLEY REGARDING THE DEVELOPMENT AND USE OF WATER RESOURCES.
13. Discussion/possible action concerning **Resolution No. 2239**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE FINAL PLAT AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR FALCON LOOKOUT PHASE 1 SUBDIVISION.

H. UNFINISHED BUSINESS

There are no items in this section.

I. NEW BUSINESS

1. Council Decision Request filed by Nelson D. Beck, Parks Supervisor/Interim Director, to direct staff to award a **bid for erosion control fabric** as specified in the Rumsey Park softball complex development plans to the low bidder, Eagle Environmental Products Inc., at the proposed price (\$44,352.00) as recommended by the Parks Supervisor/Interim Director and the Town Engineer.
2. Council Decision Request filed by Glenn W. Smith, Chief Fiscal Officer, to adopt the Town of Payson **Computer and Peripheral Usage Policy**.
3. Council Decision Request filed by Jerry Owen, Community Development Director, to direct the Town Attorney's Office to prepare an amendment to the **Chilson Ranch** Development Agreement that substitutes the attached revised master development plan as Exhibit B and addresses the major issues discussed below.

- 4.* Council Decision Request filed by Ted Anderson, Airport Manager, to authorize the Airport Manager to submit the [Five-Year Airport Capital Improvement Program](#) at Exhibit G for Fiscal Years 2008 to 2012 to ADOT and the FAA.

***CONSENT* APPROVAL**

J. CLAIMS

- 1.* List of Checks paid from 11/09/06 through 12/01/06, Check Nos. 39513 through 39877, **except Check No. 39748**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* **Check No. 39748** paid 12/01/06, 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. 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.