

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
March 17, 2016**

CALL TO ORDER

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

INVOCATION

Pastor Dave Barber, Star Valley Baptist Church.

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: LaRon Garrett - Town Manager, Hector Figueroa - Town Attorney, Don Engler - Police Chief, Silvia Smith - Town Clerk, Emily Linkey - Library Director, and David Staub - Fire Chief.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk, Melanie Baird-Simmons - Human Resources Manager, and Mary Bystricky - Town Prosecutor.

A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

1. There were no public comments.

B. CONSENT AGENDA

Items listed on the agenda with an asterisk are considered to be routine in nature and will be enacted by one motion.

Motion: to approve all items listed on the Consent Agenda.

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

Vote: Motion carried 7 - 0

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

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. The Arizona Open Meeting Law specifies that the Town Council may not discuss or take action on any matter mentioned during this presentation or on the attached materials unless the specific matter is properly noticed for legal action.

Council Member Connell wished everyone a Happy St. Patrick's Day and asked everyone to be cautious.

Mayor Evans gave a brief update on the university site. The temporary road was going in and significant progress was being made. A construction manager at risk has been selected.

Council Member Higgins reminded everyone the Gracie Lee Haight Softball Tournament started tonight and invited everyone to attend.

2. Documents, materials and information for Council review. (The Council will not discuss or take action on the attached; they are provided for information only)

There were no documents attached for Council review.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

There were no comments.

2. **Proclamation.** Council Member Higgins read into the record a proclamation declaring Wednesday, March 23, 2016, as First Responder Day of Prayer and Appreciation. Max Brann, Director of Rim Country Prayer Network, and Jim Harper, Pastor of Mountain Bible Church, were present to accept the proclamation.

Mr. Brann invited everyone to come to Scoops on March 23, 2016, and first responders would get a free ice cream cone. Mr. Brann explained they wanted to meet the first responders and tell them how much they appreciate them. Mr. Brann thanked the Council.

E. MINUTES

1. *Council Meeting Minutes:
March 3, 2016, Regular Meeting, Pages 1-6
***CONSENT* APPROVED**

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:
January 4, 2016, Regular Meeting, Pages 1-3
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **Public Hearing** concerning an application for a Restaurant Series 12 Liquor License filed by Thomas Edward Coons, agent for Maverick Restaurant Group, LLC (Maverick Cadillac Ranch Restaurant), 806A N. Hwy 87, Payson, Arizona.

Mayor Evans opened the Public Hearing. There were no comments. Mayor Evans closed the Public Hearing. Council Member Carpenter asked where the restaurant was located. John Coons, owner, replied it was located on the north end of Swiss Village.

Motion: to send a positive recommendation to the Liquor Board concerning an application for a Restaurant Series 12 Liquor License filed by Thomas Edward Coons, agent for Maverick Restaurant Group, LLC (Maverick Cadillac Ranch Restaurant), 806A N. Hwy 87, Payson, Arizona.
Moved by Council Member Fred Carpenter, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

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

G. RESOLUTIONS AND ORDINANCES

1. **Resolution No. 2900.** Mayor Evans opened discussion/possible action concerning Resolution No. 2900 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A FIREWORKS DISPLAY CONTRACT WITH FPA, LTD., AN ARIZONA CORPORATION DBA FIREWORKS PRODUCTIONS OF ARIZONA, LTD.

LaRon Garrett, Town Manager, explained this was the annual fireworks display contract. The Sanitary District would pay half of the amount.

Motion: to Approve Resolution No. 2900 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING

THE TOWN MANAGER TO EXECUTE A FIREWORKS DISPLAY CONTRACT WITH FPA, LTD., AN ARIZONA CORPORATION DBA FIREWORKS PRODUCTIONS OF ARIZONA, LTD.

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

Vote: Motion carried 7 - 0

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

2. ***Resolution No. 2901.** Council approved, on the Consent Agenda, Resolution No. 2901 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" (1103 N. KAREN WAY, PAYSON, ARIZONA, 5 ACRES, CHRISTOPHER J. MARTIN, MEMBER OF SCOVERN LLC, AN ARIZONA LIMITED LIABILITY COMPANY AND JEFFREY LEE VAUGHN, MEMBER OF SCOVERN LLC, AN ARIZONA LIMITED LIABILITY COMPANY OWNERS, GILA COUNTY ASSESSORS PARCEL NO. 302-23-006B).
***CONSENT* APPROVED**
3. ***Resolution No. 2902.** Council approved, on the Consent Agenda, Resolution No. 2902 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE FINAL PLAT FOR HEATHER ESTATES SUBDIVISION, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR HEATHER ESTATES SUBDIVISION.
***CONSENT* APPROVED**
4. ***Resolution No. 2903.** Council approved, on the Consent Agenda, Resolution No. 2903 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE FINAL PLAT FOR CHAPARRAL VISTA SUBDIVISION, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR CHAPARRAL VISTA SUBDIVISION.
***CONSENT* APPROVED**
5. **Resolution No. 2904.** Mayor Evans opened discussion/possible action concerning Resolution No. 2904 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO

EXECUTE AN INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE TOWN OF PAYSON, AN ARIZONA MUNICIPAL CORPORATION ("PAYSON"), AND ANOTHER BODY POLITIC CREATED AND AUTHORIZED PURSUANT TO A.R.S. § 11-951 AND 11-952 ET SEQ. FOR RECIPROCAL LEGAL SERVICES.

Hector Figueroa, Town Attorney, explained by authorizing this it gave the Town the opportunity to make an agreement with any other governmental entity. Mr. Figueroa noted Mary Bysticky, Town Prosecutor, could fill in his absence, but there could be areas where she may not be able to. Mayor Evans asked what the comparable hours were they would provide the Town. Mr. Figueroa replied it would be both monetary and the time. Council Member Carpenter asked if this agreement was with Flagstaff and Star Valley now or just generic. Mr. Figueroa explained it was generic, but the Town could enter into an agreement. Council Member Carpenter asked if Star Valley and Flagstaff were just an example. Mr. Figueroa replied that was correct.

Motion: to Approve Resolution No. 2904 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE TOWN OF PAYSON, AN ARIZONA MUNICIPAL CORPORATION ("PAYSON"), AND ANOTHER BODY POLITIC CREATED AND AUTHORIZED PURSUANT TO A.R.S. § 11-951 AND 11-952 ET SEQ. FOR RECIPROCAL LEGAL SERVICES.

Moved by Council Member Fred Carpenter, seconded by Council Member Richard Croy.

Vote: Motion carried 7 - 0

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

6. **Resolution No. 2905.** Mayor Evans opened discussion/possible action concerning Resolution No. 2905 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TO APPROVE THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITIES EASEMENT ON LOTS 42 AND 43 OF THE MOGOLLON RIM ADDITION AMENDED SUBDIVISION MAP 111, IN THE DOCUMENTS ATTACHED HERETO AS EXHIBITS "A" AND "B".

LaRon Garrett, Town Manager, noted the Planning and Zoning Commission recommended approval of this and there were no other utilities using the easement.

Motion: to Approve Resolution No. 2905 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF

PAYSON, ARIZONA, TO APPROVE THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITIES EASEMENT ON LOTS 42 AND 43 OF THE MOGOLLON RIM ADDITION AMENDED SUBDIVISION MAP 111, IN THE DOCUMENTS ATTACHED HERETO AS EXHIBITS "A" AND "B".

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

Vote: Motion carried 7 - 0

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

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Cameron Davis, Parks, Recreation and Tourism Director, to approve the MOU from the Arizona Diamondbacks Foundation and accept the award to the Town of Payson for the 2016 Diamondbacks Build A Field Program and its outlined improvements to the K-East and K-West Softball/Baseball Complex in Rumsey Park and to authorize the Town Manager to sign such MOU.

LaRon Garrett, Town Manager, explained the improvements would consist of some wind screening, a portable pitchers mound, some portable fencing material, new infield material, new backstop screens and two new Diamondbacks sponsored scoreboards. Hector Figueroa, Town Attorney, noted the Diamondback Organization did all of the work and hired the contractor. When all of the work was complete then they would come to the Town and ask the Town to accept the improvements. Mayor Evans thanked staff for all of their work to get the grant.

Motion: to Approve the Council Decision Request filed by Cameron Davis to proceed with the MOU from the Arizona Diamondbacks Foundation and accept the award to the Town of Payson for the 2016 Diamondbacks Build A Field Program and its outlined improvements to the K-East and K-West Softball/Baseball Complex in Rumsey Park and to authorize the Town Manager to sign such MOU.

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

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member

Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, Council Member Chris Higgins, and Council Member John Wilson.

2. Consideration and possible action on a Motion to Recess to Executive Session: The Council may vote to hold an executive session pursuant to TITLE 38, CHAPTER 3, ARTICLE 3.1 KNOWN AS ARIZONA OPEN MEETING LAW as authorized under A.R.S. § 38-431.03:
 - a. Executive Session pursuant to A.R.S. § 38-431.03(A)(1) for the purpose of discussion or consideration of employment and employment conditions of a public appointee of the Town of Payson, including but not limited to annual evaluation of its Town Attorney.
 - b. Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the attorney or attorneys of the public body. Discussion/possible action re: Matters considered in Executive Session.

Motion: to Recess to Executive Session.

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

Vote: Motion carried 7 - 0

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

The entire Council recessed to Executive Session at approximately 5:47 p.m.

Mayor Evans reconvened the entire Council to the regular meeting at approximately 6:40 p.m.

Motion: to remove Hector Figueroa from probation, award an annual merit increase pursuant to performance evaluation and authorize the Mayor to appoint a compensation and classification committee to recommend future action.

Moved by Council Member Fred Carpenter, seconded by Vice-Mayor Michael Hughes.

Mayor Evans felt the Council has expressed their appreciation for Mr. Figueroa stepping in and noted he has done a remarkable job. Mr. Figueroa stated it was the best decision to come to Payson and it was an honor to serve the citizens. Mayor Evans called for the vote.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member

Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, Council Member Chris Higgins, and Council Member John Wilson.

J. CLAIMS

- 1. * **List of checks.** Council approved, on the Consent Agenda, a List of checks paid from February 24, 2016, through February 26, 2016, Check Nos. 048427 through 048538, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

- 1. *Council approved, on the Consent Agenda, the acceptance, with regrets, of **the resignation of Eric Martindale** from the Planning and Zoning Commission with thanks for a job well done.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:43 p.m.

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 17 of March, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2016.

Tracie Bailey, Chief Deputy Town Clerk