

**PINETOP-LAKESIDE TOWN COUNCIL  
LEGAL ACTION, REGULAR MEETING  
Thursday November 17, 2011**

ITEM NO. 4, CONSENT AGENDA:

**VICE MAYOR IRWIN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILMEMBER SMITH SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 5, RESOLUTION NO. 11-1209 AWARDDING THE BID AND APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES, RECOMMENDED BY THE ADVERTISING AND PROMOTION COMMITTEE, BETWEEN LARRY JOHN WRIGHT ADVERTISING, LLC AND THE TOWN OF PINETOP-LAKESIDE, AS THE ADVERTISING AND PUBLIC RELATIONS FACILITATOR FOR THE TOWN:

**COUNCILMEMBER WESSEL MOVED TO APPROVE RESOLUTION NO. 11-1209 AWARDDING THE BID AND APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES, RECOMMENDED BY THE ADVERTISING AND PROMOTION COMMITTEE, BETWEEN LARRY JOHN WRIGHT ADVERTISING, LLC AND THE TOWN OF PINETOP-LAKESIDE, AS THE ADVERTISING AND PUBLIC RELATIONS FACILITATOR FOR THE TOWN. COUNCILMEMBER WEBB SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 6, RESOLUTION NO. 11-1210 ADOPTING A FIFTH AMENDMENT TO THE THE DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE, ASPEN MEADOW AT PINETOP, LLC, AZG MEADOWS, LLC, AZG LOT 9, LLC, AZG SOUTHERN OASIS, INC., AND FLAG HOLLOW INVESTMENT GROUP, LLC:

**COUNCILMEMBER WESSEL MOVED TO APPROVE RESOLUTION NO. 11-1210 ADOPTING A FIFTH AMENDMENT TO THE THE DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE, ASPEN MEADOW AT PINETOP, LLC, AZG MEADOWS, LLC, AZG LOT 9, LLC, AZG SOUTHERN OASIS, INC., AND FLAG HOLLOW INVESTMENT GROUP, LLC. VICE MAYOR IRWIN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 7, RESOLUTION NO. 11-1211 AWARDDING THE BID AND APPROVING THE PINETOP-LAKESIDE POLICE DEPARTMENT COMMUNICATION TOWER REPLACEMENT/EQUIPMENT PURCHASE PROJECT CONTRACT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND DURHAM COMMUNICATIONS, INC. IN THE AMOUNT OF \$164,040.71, AND WHITE MOUNTAIN COMMUNICATIONS, INC., IN THE AMOUNT OF \$8,982.26 TO BE PAID FROM GRANT FUNDS:

**VICE MAYOR IRWIN MOVED TO APPROVE RESOLUTION NO. 11-1211 WITH THE ADDITION THAT COUNCIL SPECIFICALLY APPROVE THE OPINION OF THE TOWN ATTORNEY, AND WAIVE, AS AN INFORMALITY, THE UNTIMELY PRESENTMENT BY DURHAM OF ITS BID BOND BASED UPON THE UNIQUE CIRCUMSTANCES PRESENTED; CORRECTING THE WORD "DEFINE" TO "DEFEND" IN THE FIRST LINE OF ARTICLE 10 OF THE CONTRACT FOR BOTH DURHAM AND WHITE MOUNTAIN. ADD TO ARTICLE 3 AT 3.2.C OF SPECIAL CONDITIONS THE PHRASE "IN RELATION TO THE PERFORMANCE OF THIS CONTRACT TO THE FULLEST EXTENT ALLOWED BY LAW" FOLLOWING THE PHRASE "PRIMARY INSURANCE." ALLOWING ANY OTHER MODIFICATIONS TO BE APPROVED BY THE TOWN MANAGER AS MAY BE NEEDED TO COMPLY WITH THE LAW OR CARRY OUT THE INTENT OF THESE BID AWARDS AND CONTRACTS. COUNCILMEMBER VANESIAN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 8, RESOLUTION NO. 11-1212 DECLARING THAT DOCUMENT KNOWN AS "TOWN CODE CHAPTER 17.100 PROPERTY MAINTENANCE," TO BE A PUBLIC RECORD:

**COUNCILMEMBER WESSEL MOVED TO APPROVE RESOLUTION NO. 11-1212 DECLARING THAT DOCUMENT KNOWN AS "TOWN CODE CHAPTER 17.100 PROPERTY MAINTENANCE," TO BE A PUBLIC RECORD. COUNCILMEMBER HUGHES SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 9. ORDINANCE NO. 11-357 AMENDING TOWN CODE CHAPTER 17.100 PROPERTY MAINTENANCE TO ADDRESS GRAFFITI ISSUES:

**VICE MAYOR IRWIN MOVED TO ADOPT ORDINANCE NO. 11-357 AMENDING TOWN CODE CHAPTER 17.100 PROPERTY MAINTENANCE TO ADDRESS GRAFFITI ISSUES. COUNCILMEMBER WEBB SECONDED THE MOTION AND IT CARRIED 6-1 WITH COUNCILMEMBER VANESIAN OPPOSED.**

ITEM NO. 10. RESOLUTION NO. 11-1213 DECLARING THAT KNOWN AS "TOWN CODE CHAPTER 17.128 ZONING MAP AND ZONING TEXT AMENDMENT PROCEDURES," TO BE A PUBLIC RECORD:

**COUNCILMEMBER WESSEL MOVED TO APPROVE RESOLUTION NO. 11-1213 DECLARING THAT DOCUMENT KNOWN AS "TOWN CODE CHAPTER 17.128 ZONING MAP AND ZONING TEXT AMENDMENT PROCEDURES," TO BE A PUBLIC RECORD. COUNCILMEMBER WEBB SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 11. ORDINANCE NO. 11-358 AMENDING TOWN CODE CHAPTER 17.128 ZONING MAP AND ZONING TEXT AMENDMENT PROCEDURES TO COMPLY WITH THE GENERAL PLAN:

**COUNCILMEMBER WESSEL MOVED TO ADOPT ORDINANCE NO. 11-358 AMENDING TOWN CODE CHAPTER 17.128 ZONING MAP AND ZONING TEXT AMENDMENT PROCEDURES TO COMPLY WITH THE GENERAL PLAN. COUNCILMEMBER HUGHES SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO 12. RESOLUTION NO. 11-1214 APPROVING AN INTERGOVERNMENTAL AGREEMENT, ADOT FILE NO. IGA/JPA 11-051 I, BETWEEN THE TOWN AND THE STATE OF ARIZONA FOR THE SIDEWALK AND CURBING OF A SECTION OF WOODLAND ROAD FROM WHITE MOUNTAIN BLVD. TO THE BIG SPRINGS ENVIRONMENTAL STUDY AREA:

**COUNCILMEMBER HUGHES MOVED TO APPROVE RESOLUTION NO. 11-1214 APPROVING AN INTERGOVERNMENTAL AGREEMENT, ADOT FILE NO. IGA/JPA 11-051 I, BETWEEN THE TOWN AND THE STATE OF ARIZONA FOR THE SIDEWALK AND CURBING OF A SECTION OF WOODLAND ROAD FROM WHITE MOUNTAIN BLVD. TO THE BIG SPRINGS ENVIRONMENTAL STUDY AREA. COUNCILMEMBER VANESIAN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

Dated this 21<sup>st</sup> day of November 2011

PINETOP-LAKESIDE TOWN COUNCIL

/s/ Leah Chavez, Deputy Town Clerk