

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
MAY 1, 2008**

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

INVOCATION (Participation Voluntary) Charles Proudfoot, Senior Pastor
Community Presbyterian Church

PLEDGE OF ALLEGIANCE

ROLL CALL: BE__ TF__ EB__ SC__ AR__ MV__ JW__

STAFF PRESENT: DG__ SIS__ DH__ MD__ CPW__ DBE__ SS__ JO__ LG__ TM__
RM__ CD__

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.
2. **Proclamation** declaring May 11 through 17, 2008 as National Police Week and May 15, 2008 as Peace Officers' Memorial Day. Members of various law enforcement agencies will be present to accept the proclamation.
3. **Proclamation** declaring May 17, 2008 as Payson Aero Fair Day. Beth Myers and Nancy Ward from the Payson Regional Airport Authority will be present to accept the proclamation.
4. **Proclamation** declaring May 15 through 17, 2008 as Payson Western Wear Days. Members of the Payson Rodeo Committee will be present to accept the proclamation.
5. **Presentation** by the Surface Transportation Advisory Committee on Capital Projects. Members of the Committee will present Council with recommendations on what road construction projects they believe to be the highest priority for the Town.
6. **Presentation** by Kenneth Volz, President of Payson Regional Economic Development, regarding the accomplishments of Payson Regional Economic Development Corporation FY 07/08. (**Note:** attachment added 4/30/08, 11:30 am)

E. MINUTES

- 1.* **Council Meeting Minutes:**
04-03-08 Regular Meeting Pages 1 - 7
04-10-08 Special Meeting Pages 1 - 3
04-17-08 Regular Meeting Pages 1 - 10

***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:**
03-10-08 Regular Meeting Pages 1 - 7
***CONSENT* INFORMATION ONLY**
- 3.* **Design Review Board Minutes:**

03-11-08 Regular Meeting Pages 47 - 49

04-08-08 Regular Meeting Pages 50 - 51

***CONSENT* INFORMATION ONLY**

4.* Green Valley Redevelopment Area Committee Minutes:

07-26-07 Special Meeting Pages 560 - 561

10-04-07 Regular Meeting Pages 565 - 567

10-18-07 Regular Meeting Pages 568 - 570

11-08-07 Special Meeting Page 575

11-01-07 Regular Meeting Pages 571 - 573

11-08-07 Special Meeting Page 574

12-06-07 Regular Meeting Pages 576 - 578

01-03-08 Regular Meeting Pages 579 - 582

02-07-08 Regular Meeting Pages 583 - 584

03-18-08 Special Meeting Pages 585 - 586

03-25-08 Special Meeting Pages 587 - 588

***CONSENT* INFORMATION ONLY**

5.* Parks and Recreation Advisory Board Minutes:

03-18-08 Regular Meeting

***CONSENT* INFORMATION ONLY**

6.* Payson Event Center Technical Advisory Committee Minutes:

03-19-08 Regular Meeting

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a transfer of a Series 6 Liquor License (#06040058) filled by Sushma Saileshkuma Patel, agent, Snip Investments, L.L.C., Liquor Square #2 (Beverage Place), 111 E. Highway 260, Payson, Arizona. **This is a Public Hearing.** (Note: 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 Judy A. Baker, agent, Mogollon Health Alliance for the Second Annual Gracie Lee Haught Memorial Ropin' event to be held on Friday, 8/8/08, 4:00 p.m. to 11:00 p.m., Saturday, 8/9/08, 8:00 a.m. to 12:00 a.m. and Sunday, 8/10/08, 10:30 a.m. to 6:00 p.m., at the Payson Event Center (1400 S. Beeline Highway), Payson, Arizona. **This is a Public Hearing.** (Note: 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. 2367**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON,

RELATING TO WATER CONSERVATION, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (*Note: amended attachment added 4/30/08, 11:30 am*)

3. **Second Reading and Public Hearing** concerning **Ordinance No. 735**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON BY REFERENCE, RELATING TO WATER CONSERVATION, AND AMENDING PREVIOUSLY ADOPTED REGULATIONS AND RESTRICTIONS FOR MANAGEMENT OF WATER USE. **Second Reading and Public Hearing.**
4. **Second Reading and Public Hearing** concerning **Ordinance No. 736**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.14 AND AMENDING SECTION 73.04 OF THE CODE OF THE TOWN OF PAYSON, REQUIRING COMPLIANCE WITH SIGNAGE ON THE PAYSON AREA TRAILS SYSTEMS (PATS) AND PROHIBITING THE USE OF MOTORIZED PLAY VEHICLES ON PATS WITHIN THE TOWN PARKS. **Second Reading and Public Hearing.**
5. **First Reading and Public Hearing** concerning **Ordinance No. 737**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-03-006 AND AMENDING SECTIONS 15-03-002 AND 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (REGULATING FENCES)
6. Discussion/possible action concerning **Resolution No. 2373**, 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 THE TYLER PARKWAY CONDOMINIUM SUBDIVISION. (*Note: Attachment C added 4/30/08, 11:30 am*)

H. UNFINISHED BUSINESS

There are no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Los Pinos subdivision at 509 N. Chaparral Pines Drive. S-146-08
2. **Council Decision Request** filed by LaRon Garrett, Town Engineer, for the Payson Town Council to voice support for the Arizona Department of Transportation to construct a roundabout at the intersection of Highway 87 and Airport Road.

3. **Council Decision Request** filed by Martin deMasi, Fire Chief, to award the bid for the Payson Fire Station 11 Tenant Improvement Project #1-08 to Montana Builders, L.L.C. of Prescott, Arizona for the amount of \$90,000 and authorize the Mayor to sign all necessary documents.

4.* **Council Decision Request** filed by Jerry Owen, Community Development Director, to approve an extension of the Preliminary Plat of 500 South Rim Club parkway for six months through December 7, 2008.

***CONSENT* APPROVAL**

J. CLAIMS

List of Checks paid from 04/03/08 through 04/18/08, Check Nos. 001001 through 001243, and authorization to file the checks for audit.

3.*

***CONSENT* APPROVAL**

List of Checks paid from 04/11/08 through 04/16/08, and authorization to file the checks for audit.

2.*

***CONSENT* APPROVAL**

K. MISCELLANEOUS

1.* Acceptance, with regrets, of **Michael Hughes resignation** from the Housing Advisory Commission, with thanks for a job well done.

***CONSENT* APPROVAL**

2.* Appointment of Donna J. Baade to the Housing Advisory Committee to fill the unexpired term of David Coombes. Term to expire 12/31/10. (**Note:** Application on file in the Town Clerk's office.)

***CONSENT* APPROVAL**

3* *Acceptance, with regrets, of **Richard Croy's resignation** from the Housing*

*Advisory Commission, with thanks for a job well done. ***Added 4/29/08.***

***CONSENT* APPROVAL**

4. 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.

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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.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following location: Payson Town Hall bulletin board, 303 N. Beeline Highway, Payson, Arizona, on the ____ day of _____, 2008, at _____, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk