

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
JUNE 19, 2008**

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

**INVOCATION (Participation Voluntary)**      Joe Hittle, Senior Pastor  
Calvary Chapel of Payson

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** KE \_\_ EB \_\_ SC \_\_ RC \_\_ MH \_\_ 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 the month of July as **Recreation and Parks Month**. Bruce Wilson, Chairman of the Parks and Recreation Advisory Board, will be present to accept the proclamation.

**E. MINUTES**

**1.\* Council Meeting Minutes:**

. [06-05-08 Regular Meeting](#) Pages 1-9

\*\* . [06-11-08 Community Event Meeting](#) Pages 1-2 **\*\*ADDED 6-18-08, 8:15 a.m.**

**\*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:**

. [05-12-08 Regular Meeting](#) Pages 1-5

**\*CONSENT\* INFORMATION ONLY**

**3.\* Parks and Recreation Plan Core Group Minutes:**

. [05-14-08 Regular Meeting](#) Pages 1-2

**\*CONSENT\* INFORMATION ONLY**

**4.\* Green Valley Redevelopment Area Committee Minutes:**

. [05-01-08 Regular Meeting](#) Pages 595-597

**\*CONSENT\* INFORMATION ONLY**

**5.\* Parks and Recreation Advisory Board Minutes:**

. [05-14-08 Regular Meeting](#) Pages 1-2

**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 **Resolution No. 2385**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF APACHE JUNCTION TO ESTABLISH A PARTNERING ARRANGEMENT FOR APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

**\*CONSENT\* APPROVAL**

3. Discussion/possible action concerning **Resolution No. 2387**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO SEEK A WAIVER OF DEED RESTRICTIONS FROM THE UNITED STATES FOREST SERVICE ON THE TAYLOR POOL SITE.
4. **First Reading and Public Hearing** concerning **Ordinance No. 739**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 33.05 AND AMENDING SECTIONS 33.17, 33.38, 33.50(c), 33.58, 33.68, 33.78, 33.88, AND 33.02(D) OF THE CODE OF THE TOWN OF PAYSON AND AMENDING 15-08-006(J) OF THE UNIFIED DEVELOPMENT CODE, AMENDING THE MANNER IN WHICH STAFF ADVISORS ARE APPOINTED TO BOARDS, COMMITTEES, AND COMMISSIONS AND AMENDING THE MANNER IN WHICH THE CHAIRPERSON AND VICE-CHAIRPERSON OF EACH BOARD, COMMITTEE, AND COMMISSION IS SELECTED. (Staff Advisor Appointments) **First Reading and Public Hearing**. (**NOTE:** July 2, 2008 Council Decision Request if provided for information only.)
5. **First Reading and Public Hearing** concerning **Ordinance No. 740**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 93.47 OF THE CODE OF THE TOWN OF PAYSON, ALLOWING THE PARKS AND RECREATION DIRECTOR TO WAIVE OR REDUCE PARK FACILITIES FEES. **First Reading and Public Hearing**.
- 6.\* *Discussion/possible action concerning **Resolution No. 2388**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT ON THE EAST SIDE OF PROPERTY KNOWN AS 140 WEST PHOENIX STREET.*
- \*CONSENT\* APPROVAL   \*\*ADDED 6-18-08, 8:15 a.m.**
- 7.\* *Discussion/possible action concerning **Resolution No. 2389**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING STAFF TO APPLY FOR THE ARIZONA DEPARTMENT OF TRANSPORTATION'S PLANNING ASSISTANCE FOR RURAL AREAS PROGRAM GRANT.*
- \*CONSENT\* APPROVAL   \*\*ADDED 6-18-08, 8:15 a.m.**
8. *Discussion/possible action concerning **Resolution No. 2390**, captioned as*

**\*\* follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO EXECUTE A FIREWORKS DISPLAY CONTRACT WITH FIREWORKS PRODUCTIONS OF ARIZONA, LTD. **\*\*ADDED 6-18-08, 8:15 a.m.****

9. Discussion/possible action concerning **Resolution No. 2392**, 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 AN AGREEMENT FOR SUBDIVISION GRADING IMPROVEMENTS WITH HALLIE OVERMAN (CHILSON RANCH SUBDIVISION). **\*\*ADDED 6-18-08, 8:15 a.m.****

## **H. UNFINISHED BUSINESS**

1. Council Decision Request filed by LaRon Garrett, Town Engineer, to approve the contract with Tetra Tech, Inc., to prepare the **FEMA Letter** of Map Revision for the affected area in the Woodland Meadows and Trailwood subdivisions and authorize the Mayor to sign all necessary contract documents.
2. Council Decision Request filed by Doug Hill, Chief Fiscal Officer, to adopt **\*\* the Tentative Budget for Fiscal Year 2008-2009 for \$35,663,721. (~~Note: to be green sheeted.~~) **\*\* (NOTE: The Tentative Budget is on file in the Town Clerk's office for review.) **\*\*Added 6-18-08, 8:15 a.m.******

## **I. NEW BUSINESS**

1. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the **Main Street Vision** and Streetscape Plan, together with the Historic Resources Report and direct Town staff (Planning, Engineering, Tourism and Economic Vitality, and Grants) to proceed with the submittal of the Project Assessment to ADOT and to implement additional steps to construct Phase 1 of the Main Street enhancement project and to seek additional grant funds to continue future phases of the project.

## **J. CLAIMS**

- 1.\* List of Checks paid from 5/14/08 through 6/13/08, Check Nos. 001472 through 001898, **except Check No. 001649**, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVAL**
- 2.\* Check No. 001649 paid 5/16/08, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Clmn. Vogel 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.
2. Motion to recess to executive session to consider:
  1. A Lease Agreement with Valley of the Sun YMCA and its terms, for the following reasons:
    - A. Discussion or consultation for legal advice with the attorneys for the Town of Payson regarding terms of and negotiations for a Lease Agreement with Valley of the Sun YMCA, pursuant to A.R.S. §38-431.03 (A)(3); and
    - B. Discussion or consultation with the attorneys for the Town of Payson in order to consider its position and instruct its attorneys regarding the position of the Mayor and Common Council regarding contracts that are the subject of negotiations, to wit: a Lease Agreement with the Valley of the Sun YMCA, pursuant to A.R.S. §38-431.03(A)(4).
    - C. Discussions or consultations by the Mayor and Common Council with the Town Manager, Parks and Recreation Director and Legal Department in order to consider its position and instruct its representatives regarding negotiations with Valley of the Sun YMCA for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03(7).
  2. The September 1, 2007, Airport Lease Agreement with the Payson Regional Airport Authority, the administration and operation of the Payson Municipal Airport, issues related to use of the airport by Mr. Russ Husted and concerns of the Federal Aviation Administration in regard thereto, for the following reasons:
    - A. Discussion or consultation for legal advice with the attorneys for the Town of Payson regarding the September 1, 2007, Airport Lease Agreement with the Payson Regional Airport Authority, the administration and operation of the Payson Municipal Airport, concerns of the Federal Aviation Administration in regard thereto and the Town's position relative to grant assurances made by the Town and the potential effect upon them of actions of the Payson Regional Airport Authority, pursuant to A.R.S. §38-431.03(A)(3).
    - B. Discussion or consultation with the attorneys for the Town of Payson in order to consider its position and instruct its attorneys regarding the position of the Mayor and Common Council 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, all relating to Payson Municipal Airport and/or the September 1, 2007, Airport Lease Agreement with the Payson Regional Airport Authority, pursuant to A.R.S. §38-431.03(A)(4).

C. Discussions or consultations by the Mayor and Common Council with the Town Manager and Legal Department in order to consider its position and instruct its representatives regarding the lease of Payson Municipal Airport pursuant to the September 1, 2007, Airport Lease Agreement, pursuant to A.R.S. §38-431.03(A)(7).

3. Discussion/possible action re: Lease Agreement with Valley of the Sun YMCA and its terms.
4. Discussion/possible action re: Operation of Payson Municipal Airport and concerns of the Federal Aviation Administration in regard thereto.
5. Discussion/possible action re: Operation of Payson Municipal Airport under the September 1, 2007, Airport Lease Agreement with Payson Regional Airport Authority.

#### **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.

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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 13th day of June, 2008, at 2:15 p.m., in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: \_\_\_\_\_  
 Silvia Smith, Town Clerk