

COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
July 2, 2008 (Wednesday)

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

INVOCATION (Participation Voluntary) Deacon Tom Fox
St. Philip the Apostle Catholic Church

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 August 29 2008 as **Civilian Conservation Corps Appreciation Day**. Patricia Hearne, Judy Buettner and members of the Northern Gila County Historical Society will be present to accept the proclamation.

E. MINUTES

1.* Council Meeting Minutes:

- .06.12.08 Special Meeting Pages 1 - 4
- .06.19.08 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.* Design Review Board Minutes:

- .05.27.08 Regular Meeting Pages 56 - 57

CONSENT INFORMATION ONLY

3.* Green Valley Redevelopment Area Committee Minutes:

- .05.22.08 Regular Meeting Pages 598 - 600

CONSENT INFORMATION ONLY

4.* Surface Transportation Advisory Committee Minutes:

- .05.07.08 Regular Meeting Pages 168 - 171

CONSENT INFORMATION ONLY

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License, filed by John Stanton, II, agent, Rim Country Regional Chamber of Commerce, for an event on August 14, 2008; 4:00 pm to 9:00 pm; August 15, 2008, 4:00 pm to 10:00 pm; August 16, 2008, 11:00 am to 10:00 pm; and August 17, 2008, 11:00 am to 5:00 pm (124th Annual World's Oldest Continuous Rodeo) at 1400 S. Beeline Highway, Payson, Arizona. (**Note:** Application on file in Town Clerk's office.)

2. **This is a Public Hearing** concerning an application for a Special Event Liquor License, filed by Vincent Craig Rader, agent, Payson Rodeo Committee, Inc., for an event on July 4, 2008, 4:00 pm to 2:00 am and July 5, 2008, 2:00 pm to 2:00 am (Fund Raiser - Main Street Guild) at 607 W. Main Street, Payson, Arizona. (**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. **First Reading and Public Hearing** concerning **Ordinance No. 738**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 110 (BUSINESS LICENSING) OF THE CODE OF THE TOWN OF PAYSON, RELATING TO THE ADMINISTRATION OF THE TOWN'S BUSINESS LICENSE PROCESS. **First Reading and Public Hearing.**
3. **Second Reading and Public Hearing** concerning **Ordinance No. 739**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN O PAYSON, ARIZONA ADDING SECTION 33.05, AMENDING SECTIONS 33.98 AND 33.02(D), AND DELETING SECTIONS 33.17, 33.38, 33.50(C), 33.58, 33.68, 33.78, AND 33.88 OF THE CODE OF THE TOWN OF PAYSON AND SECTION 15-08-006(J) OF THE UNIFIED DEVELOPMENT CODE, AMENDING THE MANNER IN WHICH STAFF ADVISORS ARE APPOINTED TO BOARDS, COMMITTEES, COMMISSIONS AND AMENDING THE MANNER IN WHICH THE CHAIRPERSON AND VICE-CHAIRPERSON OF EACH BOARD, COMMITTEE, AND COMMISSION IS SELECTED. (Staff Advisor Appointments) **Second Reading and Public Hearing.**
4. Council Decision Request filed by Debra Galbraith, Town Manager, to approve the Town Manager's [designation of Staff Advisors for the Town's Boards, Committees and Commission.](#)
5. **Second 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. **Second Reading and Public Hearing.**
6. **First Reading and Public Hearing** concerning **Ordinance No. 741**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF CHAPTER 90 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (*ANIMAL CONTROL*) **First Reading and Public Hearing.**
7. *Discussion/possible action concerning **Resolution No. 2395**, captioned as*
** *follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF*

THE TOWN OF PAYSON, ARIZONA, APPROVING A TERM-SHEET FOR A LEASE AGREEMENT WITH THE VALLEY OF THE SUN YMCA.

****ADDED 7-1-08, 9:00 A.M. Conceptual scale drawing with approximate dimensions of the proposed Facilities (attached to Exhibits A and B, pursuant to sections 3(C) of each) was received from YMCA and ADDED at 12:30 p.m., 7-1-08.**

H. UNFINISHED BUSINESS

- 1.* Council Decision Request filed by LaRon Garrett, Town Engineer, to approve extending the time for the Longhorn [Traffic Calming](#) Study to be completed by October 31, 2008.

***CONSENT* APPROVAL**

- 2.* Council Decision Request filed by LaRon Garrett, Town Engineer, to approve extending the time for the Surface Transportation Advisory Committee to provide the Town Council with [traffic calming options](#) along the Mud springs Road and Phoenix Street Corridor to March 31, 2009.

***CONSENT* APPROVAL**

- ~~3. Council Decision Request from the Town's negotiating team to provide an update on negotiations with the Valley of the Sun YMCA, to seek further direction from the Council, and/or to consider a proposed Term Sheet for a Lease Agreement between the Valley of the Sun YMCA and the Town of Payson.~~

~~**Note:** a telephonic meeting with the YMCA was held on the afternoon of Thursday, June 26, 2008. The Town is now waiting for changes requested to the Town's proposed Term Sheet from the YMCA. If such requested changes are received timely, a proposed Term Sheet for a Lease Agreement between the Valley of the Sun YMCA and the Town of Payson will be green sheeted on Monday.~~ ****REMOVED 7-1-08, 9:00 A.M.**

*****IN LIEU OF ITEM H.3, RESOLUTION 2394 (ITEM G.7) HAS BEEN ADDED.*****

I. NEW BUSINESS

- 1.* Council Decision Request filed by Buzz Walker, Water Superintendent, to appoint Mayor Evans as designated representative, Debra Galbraith as alternate representative and Buzz Walker as second alternate representative to the Northern Arizona Municipal Water Users Association

**** [Governing Board](#).**

CONSENT* APPROVAL * (Corrected 06/30/08, 2:34 p.m.)****

J. CLAIMS

- 1.* List of checks paid from 06/13/08 through 06/19/08, Check Nos. 001848 through 002053 and authorization to file the checks for audit.

***CONSENT* APPROVAL**

K. MISCELLANEOUS

- 1.* Appointment of Jinx Pyle to the Historic Preservation and Conservation Commission, term to expire December 31, 2010. (**Note:** Application on file)

in Town Clerk's office)

***CONSENT* APPROVAL**

2. 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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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 27th day of June, 2008, at 10:00 a.m., in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk