

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
JULY 17, 2008**

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

**INVOCATION (Participation Voluntary)**      Pastor Kelly Wooldridge  
Payson First Assembly of God Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** KE \_\_ SC \_\_ EB \_\_ RC \_\_ MH \_\_ MV \_\_ JW \_\_

**STAFF PRESENT:** DG \_\_ SIS \_\_ DH \_\_ MD \_\_ CPW \_\_ DBE \_\_ SS \_\_ 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 5, 2008 as **National Night Out**. Kim Becker and Kerry Rizza, Payson Police Department, will be present to accept the proclamation.

**E. MINUTES**

**1\* Council Meeting Minutes:**

- 06.28.08 Community Event Meeting Pages 1-2
- 06.29.08 Community Event Meeting Pages 1-2
- 07.08.08 Community Event Meeting (No Quorum) Page 1

**\*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.\* Housing Advisory Commission Minutes:**

- 05.22.08 Regular Meeting Pages 30 - 31

**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Larry Hinds, agent, Payson Rodeo Committee, Inc., for a fund raiser for the Rodeo Scholarship Fund for an event on August 15, 2008 from 4:00 pm to 2:00 am; August 16, 2008 from 9:00 am to 2:00 am and August 17, 2008 from 10:00 am to 12:00 midnight 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.
2. Discussion/possible action concerning **Resolution No. 2391**, captioned as

follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 90.04, 90.15, 90.20, 90.21, 90.35, AND 90.36 OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (ANIMAL CONTROL)

3. **Second 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). **Second Reading and Public Hearing.**
- 4.\* Discussion/possible action concerning **Resolution No. 2393** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, EXTENDING THE SCHEDULE OF DEVELOPMENT APPROVED BY ORDINANCE 675 FOR PROPERTY LOCATED AT 1108 AND 1200 SOUTH MCLANE. (CEDAR HIGHLANDS DEVELOPMENT)  
**\*CONSENT\* APPROVAL**
- 5.\* Discussion/possible action concerning **Resolution No. 2394** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A TOWN OF PAYSON EMPLOYEE 457 DEFERRED COMPENSATION PLAN AND TRUST, TO BE ADMINISTERED BY THE ICMA RETIREMENT CORPORATION, FOR THE EMPLOYEES OF THE TOWN OF PAYSON.  
**\*CONSENT\* APPROVAL**
- 6.\* Discussion/possible action concerning **Resolution No. 2396** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING STIPULATIONS TO THE PRELIMINARY PLAT, APPROVING THE FINAL PLAT, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR RIM RIDGE ESTATES, PHASE ONE.  
**\*CONSENT\* APPROVAL**
- 7.\* Discussion/possible action concerning **Resolution No. 2397** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Bucha)  
**\*CONSENT\* APPROVAL**
- 8.\* Discussion/possible action concerning **Resolution No. 2398** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Ray)  
**\*CONSENT\* APPROVAL**
- 9.\* Discussion/possible action concerning **Resolution No. 2399** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF

THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Whaley)

**\*CONSENT\* APPROVAL**

- 10.\* Discussion/possible action concerning **Resolution No. 2400** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Porter)

**\*CONSENT\* APPROVAL**

- 11.\* Discussion/possible action concerning **Resolution No. 2401** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE ST. PHILIPS ST. AND BONITA ST. ROAD CONSTRUCTION PROJECT. (Hinrich)

**\*CONSENT\* APPROVAL**

- 12.\* Discussion/possible action concerning **Resolution No. 2402**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE INGRESS AND EGRESS EASEMENT, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO IN CONJUNCTION WITH ACCESS INTO THE CENTER RIDGE APARTMENT SITE. (Bailey)

**\*CONSENT\* APPROVAL**

13. Discussion/possible action concerning **Resolution No. 2403**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC TRAIL ACCESS EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

14. Discussion/possible action concerning **Resolution No. 2404**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING RULE 17, SECTION 1 OF THE TOWN OF PAYSON PERSONNEL RULES AND PROCEDURE MANUAL (OVERTIME AND COMPENSATORY TIME).

- 15.\* Discussion/possible action concerning **Resolution No. 2406**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE MAIN STREET ENHANCEMENT GRANT. (**NOTE: Exhibit "A" now attached.**)

**\*CONSENT\* APPROVAL**

16. Discussion/possible action concerning:

A. **Resolution No. 2407**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PAYSON TOWN COUNCIL OPEN

MEETING LAW INVESTIGATION FINDINGS, CONCLUSIONS AND PROPOSED REMEDY PROMULGATED BY THE ARIZONA ATTORNEY GENERAL AND DATED JUNE 26, 2008.

B. Payson Town Council Open Meeting Law Investigation Findings, Conclusions and Proposed Remedy ("Report").

17. **Second 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. **Second Reading and Public Hearing.**
18. **First Reading and Public Hearing** concerning **Ordinance No. 742**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES). **First Reading and Public Hearing.**
19. **First Reading and Public Hearing**, concerning **Ordinance No. 743**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SETTING THE ELECTION DATE; ESTABLISHING THE METHOD OF VOTING AND THE METHOD OF COUNTING THE BALLOTS FOR THE NOVEMBER 4, 2008 SPECIAL ELECTION AND DECLARING AN EMERGENCY. **First Reading and Public Hearing. ADDED 7/16/08 11:00 a.m.**

## H. UNFINISHED BUSINESS

There are no items in this section.

## I. NEW BUSINESS

1. Council Decision Request filed by Mary McMullen, Recreation Coordinator, to adopt the proposed change in **PATS** routes from W. Sherwood Drive and N. Oak Ridge Road to W. Airport Road and to update the PATS Manual.
2. Council Decision Request filed by Debra A. Galbraith, Town Manager, to create a **Public Works Department** led by a Public Works Director and Assistant Public Works Director, which will oversee the following areas: 1) Streets, 2) Engineering, 3) Water, and 4) Airport.

## J. CLAIMS

- 1.\* List of checks paid from 6/19/08 through 7/11/08, Check Nos. 002054 through 002259, **except Check Nos. 002129, 002135, and 002147**, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVAL**
  
- 2.\* Check No. 002129 paid 6/30/08, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Clnn. Croy will be considered to have abstained from voting on this item.)**  
**\*CONSENT\* APPROVAL**
  
- 3.\* Check No. 002135 paid 6/30/08, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Mayor Evans will be considered to have abstained from voting on this item.)**  
**\*CONSENT\* APPROVAL**
  
- 4.\* Check No. 002259 paid 6/30/08, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Clnn. Hughes will be considered to have abstained from voting on this item.)**  
**\*CONSENT\* APPROVAL**

## K. MISCELLANEOUS

- 1.\* Appointment of Steve Christensen to the Historic Preservation and Conservation Commission, term to expire 12/31/2010. **(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.

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 11th day of July, 2008, at 1:00 p.m., in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

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