

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
OCTOBER 2, 2008**

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 __ 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.
2. Update by Legal Department regarding Sievers v. Town of Payson and the November 4, 2008 Special Election.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. Presentation/Discussion/possible action/by Patti Fenner, Noxious Weed Program Manager, Tonto National Forest, regarding the Yellow Star Thistle grant by the Forest Service regarding a Star Thistle grant.
3. Proclamation declaring October 2008 as [Domestic Violence Awareness Month](#). Gerry Bailey, Executive Director of Time Out, Inc., and staff will be present to accept the proclamation.
4. Proclamation declaring October 2008 as [Community Development Planning Month](#). Members of the Planning and Zoning Commission will be present to accept the proclamation.

5. Proclamation declaring the week of October 5 - 11, 2008 as [Fire Prevention Week](#). Members of the Engine 111 crew will be present to accept the proclamation.

E. MINUTES

- 1.* There were no items for this section.

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.* Parks and Recreation Advisory Board Minutes:
[.08.13.08](#) Regular Meeting Minutes Pages 1
- 2

***CONSENT* INFORMATION ONLY**

- 3.* Design Review Board Minutes:
[.08-12.08](#) Regular Meeting Minutes Pages 1
- 2

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

There were no items for 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. 2414** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DECLARING THE PONDEROSA PINE AS THE OFFICIAL TREE FOR THE TOWN OF PAYSON.
3. The following Items will be heard together: **Resolution No. 2416** and the Second Reading and Public Hearing concerning **Ordinance No. 748**.

A. Discussion/possible action concerning **Resolution No. 2416** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING TECHNICAL AND CONFORMING CHANGES TO THE VARIOUS CODE PROVISIONS RELATING TO WATER CONSERVATION AND THE TIMING OF IMPACT FEE PAYMENTS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

B. **Second Reading and Public Hearing** concerning **Ordinance No. 748**, AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING TECHNICAL AND CONFORMING CHANGES TO VARIOUS CODE PROVISIONS RELATING TO WATER CONSERVATION AND THE TIMING OF IMPACT FEE PAYMENTS. **Second Reading and Public Hearing.**

4.* Discussion/possible action concerning **Resolution No. 2436** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPOINTING ELECTION OFFICIALS FOR THE NOVEMBER 4, 2008 SPECIAL ELECTION, FIXING THEIR COMPENSATION, AUTHORIZING THE TOWN CLERK TO APPOINT AN ELECTION BOARD AND A TALLY BOARD, AND DECLARING AN EMERGENCY.

***CONSENT* APPROVAL**

5.* Discussion/possible action concerning **Resolution No. 2437** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GILA COUNTY FOR CERTAIN SERVICES TO BE PROVIDED BY THE COUNTY TO THE TOWN OF PAYSON FOR THE NOVEMBER 4, 2008 SPECIAL ELECTION, AND DECLARING AN EMERGENCY.

***CONSENT* APPROVAL**

H. UNFINISHED BUSINESS

There were no items for this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to approve the Amended Final Plat for the Rim Ridge Estates Subdivision and authorize the Mayor to sign said document and authorize staff to record said document. If this Subdivision Plat is not

recorded with the Gila County Recorders Office within six months, this approval is null and void.

***CONSENT* APPROVAL (Note: Council Member Rick Croy will be deemed to have abstained from voting on this item). Amended 11:16 a.m. on 10/1/08.**

2. [Council Decision Request](#) filed by Debra Galbraith, Town Manager, to:
- 1) Direct staff to look into exploring other options for animal control pickups and during such exploration to not execute the current contract with the Payson Humane Society; or

2) Direct staff to amend the service agreement with the Payson Humane Society to remove the appropriations clause.

****Added 9-30-08 11:10 AM Due to the recently adopted agenda item removal timeline process, this item cannot be removed prior to the Council Meeting. However, the contract issues have been resolved and the contract has been signed. Therefore, staff will ask that this item be removed from the agenda at the Council meeting.**

3. [Council Decision Request](#) filed by LaRon Garrett, Public Works Director, to direct staff to move forward with the environmental assessment on Sky Park Tract A and the future airport 13.5 acre parcel, to approve Authorization of Services #08-01 upon FAA approval of the Services #08-01 and Scope of Services.

4. [Council Decision Request](#) filed by Cameron Davis, Office of Tourism/Economic Vitality Director, to:
- 1) Approve the change of Payson's Brand Image Name to "Arizona's Cool Mountain Town"; or

2) Do nothing.

J. CLAIMS

- 1.* List of checks paid from 9/11/08 through 9/19/08, Check Nos. 003061 through 003240, **except Check Nos. 003094 and 003169**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No. 003094 paid 9/16/08, 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**

- 3.* Check No. 003169 paid 9/16/08, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Council Member Wilson 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.* [Acceptance of the resignation](#) of Jeanie Langham from the Design Review Board with thanks for a job well done. Term to expire December 31, 2008. **(A copy of the application is available in the Town Clerk's office).**

***CONSENT* APPROVAL**

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.

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