

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
NOVEMBER 6, 2008**

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

**INVOCATION (Participation Voluntary)**      Rev. Charles Proudfoot, Community Presbyterian 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 November 2008 as National Hospice Month. Kathleen Hughes, Community Liaison, RTA Hospice and Palliative Care, will be present to accept the proclamation.
3. [Proclamation](#) declaring November 2008 as Veterans Recognition and American Patriotism Awareness Month. Kathy Siler, Payson High School Drama Department, and her Drama Department students will be present to accept the proclamation.
4. [Proclamation](#) declaring November 7, 8, and 9, 2008, as Buddy Poppy Days. Members of the Veterans of Foreign Wars will be present to accept the proclamation.
5. [Proclamation](#) declaring November 13 - 16, 2008, as Rim Country Quilt Roundup Days. John Stanton and members of the Quilt Roundup Committee will be present to accept the proclamation.

**E. MINUTES**

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

- [.10.02.08](#) Regular Meeting Minutes Pages 1 - 12
- [.10.16.08](#) Regular Meeting Minutes Pages 1 - 11
- [.10.28.08](#) Special Meeting Minutes Pages 1-2

**\*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:**

- [.07.14.08](#) Regular Meeting Minutes Pages 1 - 6

**\*CONSENT\* INFORMATION ONLY**

**3.\* Design Review Board Minutes:**

- [.08.26.08](#) Regular Meeting Minutes Pages 70-71

**\*CONSENT\* INFORMATION ONLY**

## 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. 2450](#) captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A WATER LINE EASEMENT, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING A WATER LINE EASEMENT FOR THE EXPANSION OF THE PAYSON WATER SYSTEM.

**\*CONSENT\* APPROVAL**

- 3.\* Discussion/possible action concerning [Resolution No. 2451](#) captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, COMMITTING TO CONTINUE PARTICIPATION AS AN ACCREDITED ARIZONA MAIN STREET COMMUNITY AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR CONTINUED ACCREDITATION IN THE ARIZONA MAIN STREET PROGRAM FOR THE YEAR 2009.

**\*CONSENT\* APPROVAL**

4. Discussion/possible action concerning [Resolution No. 2452](#) captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN OF PAYSON PERSONNEL MANUAL.

5. **First Reading and Public Hearing** concerning [Ordinance No. 749](#) captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 801 NORTH GRAHAM RANCH ROAD, GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-036T, FROM R1-175 TO R1-90 (THE MELOCHE PROPERTY). **First Reading and Public Hearing.**

## H. UNFINISHED BUSINESS

There are no items in this section.

## I. NEW BUSINESS

- 1.\* [Council Decision Request](#) filed by Silvia Smith, Town Clerk, to approve the 2009 calendar for council meetings as attached; said calendar subject to change as needed and required.

**\*CONSENT\* APPROVAL**

2. [Council Decision Request](#) filed by Rick Manchester, Parks and Recreation Director, to approve and adopt the revised Goat Camp Master Plan.

3. **Council Decision Request** filed by Rick Manchester, Parks and Recreation Director, *\*(relating to construction and improvements to Goat Camp and improvements to the Jimmy Harris Trail)* to:

1. Accept the grant and authorize the Mayor to sign the Heritage Fund Grant contract and authorize staff to begin trail construction.

or

2. Accept the trails grant with the caveat that the Town delays hard costs associated with the project for 12 months (start project fall 2009). Volunteers begin working on their portion and encumber expenses in an amount not to exceed \$25,000 for 24 months or until June 30, 2010. Leaving the final \$25,000 expenditure for two years out or starting with the July 2011 budget cycle.

or

- \* 3. Do not authorize the Mayor to accept the grant or sign the contract.

**\* Added on 11/3/08 at 10:02 a.m.**

4. Discussion/possible action regarding the contract between the Town of Payson and the TomCol Investments and pending escrow (Pioneer Title #00129638TB) for the purchase of 3.25 acres of land and the purchase of an option on 10.25 acres of land just South of the Payson Airport (Contract originally approved September 18, 2008) including but not limited to:

Status of the Escrow

Issues related to the Title Report

Funding the Escrow

5. **Council Decision Request** filed by Debra Galbraith, Town Manager,
- 1) to authorize staff to make purchases regardless of the amount that meet the following criteria:
- a. The item was part of the adopted budget and was presented to the Council during budget deliberations;
- AND
- b. There is no contract over \$25,000 involved (contracts over \$25,000 HAVE to come before the Council).
- OR
- 2) to leave procedures as they are where all expenditures over \$25,000 come to the Council for approval.

\* **Added on 11/3/08 at 1:30 p.m.**

## J. CLAIMS

- 1.\* List of checks paid from 10/8/08 through 10/22/08, Check Nos. 003479 through 003713, and authorization to file the checks for audit.

**\*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.

**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 \_\_\_\_ 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