

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
NOVEMBER 20, 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

**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. **Presentation.** Discussion/possible action: Report on Longhorn Traffic Study by Chief Don Engler.

**E. MINUTES**

**1.\* Council Meeting Minutes**

- 11.06.08 Special Meeting Minutes Pages 1 - 2
- 11.06.08 Regular Meeting Minutes 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.\* Planning and Zoning Commission**

- 10.13.08 Regular Meeting Minutes Pages 1 - 4

**\*CONSENT\* INFORMATION ONLY**

**3.\* Green Valley Redevelopment Area Committee**

- 06.12.08 Regular Meeting Minutes Pages 601 - 603
- 10.02.08 Regular Meeting Minutes Pages 611 - 615

**\*CONSENT\* INFORMATION ONLY**

**4.\* Parks and Recreation Advisory Board Meeting**

- 09.10.08 Regular Meeting Minutes Pages 1 - 2
- 10.29.08 Regular Meeting Minutes Pages 1 - 2

**\*CONSENT\* INFORMATION ONLY**

**5.\* Payson Fire Department Alternative Pension Plan Board of Trustees Meeting**

- 10.15.08 Regular Meeting Minutes Page 1
- 10.31.08 Regular Meeting Minutes Page 1

**\*CONSENT\* INFORMATION ONLY**

**6\* Public Safety Personnel Retirement System**

- 06.12.08 Annual Meeting Minutes - Police Department Board Page 1

**\*CONSENT\* INFORMATION ONLY**

7.\* **Surface Transportation Advisory Committee**  
10.01.08 Regular Meeting Minutes Pages 176 - 180

**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. **This is a Public Hearing** concerning an application for a Series #9 Liquor License (#0904005) filed by Elliott Jon Glasser, agent, 1st STOP, 100 East Highway 260, Payson, Arizona. (**NOTE:** application on file with the Town Clerk's office) **This is a Public Hearing.**
2. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Audrey Jean Wilson, agent, Soroptimist of Zane Grey Country, for a fund raising event on Friday, December 12, 2008, 3:00 p.m. to 8:00 p.m. at the Rim Country Museum, 700 Green Valley Parkway, Payson, Arizona. (**NOTE:** application on file in the Town Clerk's office.) **This is a Public Hearing.**

**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. 2453**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 3 OF RESOLUTION 2434 TO REMOVE THE REQUIREMENT THAT OPERATION BASS, INC. BE AUTHORIZED TO DO BUSINESS IN ARIZONA. (April, 2009 Stren Series Bass Tournament).
3. Discussion/possible action concerning **Resolution No. 2456**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUSPENDING THAT PORTION OF SECTION 5, RULE 1.5 OF THE PERSONNEL POLICY MANUAL REQUIRING PAYMENT OF UNUSED SICK LEAVE FOR FISCAL YEAR 2008-2009.
4. **Second 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) **Second Reading and Public Hearing**
5. **First Reading and Public Hearing** concerning **Ordinance No. 750**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 10.06 OF THE CODE OF THE TOWN OF PAYSON RELATING TO THE APPOINTMENT OF DESIGNEES. **First Reading and Public Hearing.**
6. **\*\*Discussion/possible action concerning **Resolution No. 2457**, captioned**

\*\* as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 05(4) OF THE TOWN OF PAYSON PERSONNEL POLICY MANUAL, RELATING TO THE GRANTING OF ADDITIONAL VACATION LEAVE IN RETURN FOR ADDED DUTIES AND RESPONSIBILITIES. **\*\*Added 11-18-08 1:00 p.m.**

## H. UNFINISHED BUSINESS

1. [Council Decision Request](#) filed by Colin P. Walker, Assistant Public Works Director, to direct the Legal Department to draft appropriate documents necessary to implement changes in the determination of equivalent residential units relative to water use in new housing developments and accessory dwelling units.
  2. Discussion/possible action re: FY 2008-2009 Budget including, but not limited to: Proposed options/plans to deal with potential revenue shortfall.
- \*\* (**NOTE:** This item is a follow-up to the November ~~42~~, **18**, 2008 Council Work Study) **\*\*Corrected 11-18-08**

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[Council Decision Request](#) filed by Debra A. Galbraith, Town Manager, to:  
approve the 2008/2009 Spending Plan 3B - layoffs

**OR**

approve the 2008/2009 Spending Plan 3C - loan  
**\*\*\*Added 11-19-08, 8:38 a.m.**

## I. NEW BUSINESS

- 1.\* [Council Decision Request](#) filed by Rick Manchester, Parks and Recreation Director, to approve a variance and/or Town sponsorship for a Holiday Boat Regatta on Green Valley Park Lake #3.  
**\*CONSENT\* APPROVAL**
- 2.\* [Council Decision Request](#) filed by Colin P. Walker, Assistant Public Works Director, to authorize the Town of Payson Water Fixture Retrofit Program 2008-09 in the amount of \$59,500.00 and to allocate the cost to the Water Enterprise Fund.  
**\*CONSENT\* APPROVAL**
3. [Council Decision Request](#) filed by Debra A. Galbraith, Town Manager, to amend the Personnel Manual to allow the Town Manager, during budgetary down turns, to allocate additional vacation time to staff that take on additional duties as an 'acting' department head or take on additional management duties due to departmental restructuring  
**OR**  
take no action
4. [Council Decision Request](#) filed by LaRon Garrett, Public Works Director, to approve the Amended Final Plat for the Forest Edge 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.

5. **Council Decision Request** filed by Donald B. Engler, Police Chief, to authorize the Town of Payson Police Department to continue to pursue a law enforcement agreement with the Tonto Apache Tribal Council for law enforcement services beginning on January 1, 2009. It is further requested that the Town Attorney's Office be tasked with the review, final negotiation and completion of the contractual agreement between the Town of Payson and the Tonto Apache Tribal Council.
6. **Council Decision Request** filed by Donald B. Engler, Police Chief, to authorize the Town Attorney's Office to proceed with drafting a new fee schedule reflecting licensing fees, impound fees and daily boarding fees for animals impounded by the Town of Payson.
7. **Council Decision Request** filed by Ray Erlandsen, Zoning Administrator, to allow the Payson Humane Society to erect an off-premise sign on private property located at 100 E. Highway 260 as indicated on the aerial map and illustration submitted with the request for a period of time until a \$3.5 million fundraising goal is reached.  
OR  
take no action
8. **Council Decision Request** filed by Ray Erlandsen, Zoning Administrator, to direct staff to prepare the appropriate code amendment to implement a proposed amendment to the UDC by deleting Section 15-02-004 B.11, and adding a section, Accessory Dwelling Unit, as attached;  
OR  
take no action
9. **Council Decision Request** filed by Ray Erlandsen, Zoning Administrator, to approve the Preliminary Plat for the Frontier Village Condominiums at 801 E. Frontier Street subject to the conditions recommended by the Planning and Zoning Commission, as amended.

## J. CLAIMS

- 1.\* List of checks paid from 10/22/08 through 11/1008, Check Nos. 003713 through 003891, **except Check No. 003800**, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVAL**
- 2.\* Check No.003800 paid 10/31/08, and authorization to file the check for audit. (**Note: due to a perceived and/or conflict of interest, Council Member Richard Croy 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.

## 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