

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
DECEMBER 11, 2008**

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

INVOCATION (Participation Voluntary) Rev. David Rennick, Payson United Methodist 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. Key to the Town of Payson presented to the Payson Longhorns football team, 2008 3A State Champions.

E. MINUTES

1.* Council Meeting Minutes

11.13.08	Workstudy Meeting	Pages 1-2
11.13.08	Workstudy Meeting	Pages 1-2
11.14.08	Community Event Meeting	Pages 1-2
11.18.08	Special Meeting	Pages 1-7

***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.* Public Safety Personnel Retirement System Police Department Local Board

11.13.08	Regular Meeting	Page 1
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***CONSENT* INFORMATION ONLY**

3.* Design Review Board

09.09.08	Regular Meeting	Pages 72-73
09.23.08	Regular Meeting	Pages 74-75
10.14.08	Regular Meeting	Pages 76-77

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

- 1.* Take off the table from 11/20/08: the Public Hearing concerning an

application for a Series #9 Liquor License (#0904005) filed by Elliott Jon Glasser, agent, 1st STOP.

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2. **Public Hearing** concerning the FY 2009 application for Community Development Block Grant (CDBG) Funds (Cindy Schofield, CDBG Principal Planner).
3. **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.**
4. **Public Hearing/discussion/possible action** concerning [Resolution No. 2455](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING APPLICATION P-348-08, A MAJOR AMENDMENT TO THE TOWN OF PAYSON'S 2003 GENERAL PLAN AMENDING THE LAND USE ELEMENT FOR 222 ACRES OF LAND LOCATED GENERALLY SOUTH AND WEST OF THE PAYSON AIRPORT. (GENERAL PLAN AMENDMENT FOR 222 ACRE AIRPORT LAND EXCHANGE PROPERTY). ([Original General Plan Amendment Application Information](#)). ([Original Planning and Zoning agenda packet](#)).

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.

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- 2.* Discussion/possible action concerning [Resolution No. 2459](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 5, RULE 1.6 (HOURS WORKED) OF THE TOWN OF PAYSON PERSONNEL POLICY MANUAL, RELATING TO THE DEFINITION OF HOURS WORKED FOR THE PURPOSES OF OVERTIME/COMPENSATORY TIME.

***CONSENT* APPROVAL**

- 3.* Discussion/possible action concerning [Resolution No. 2460](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 5, RULE 1.6 (HOLIDAYS) OF THE TOWN OF PAYSON PERSONNEL POLICY MANUAL, RELATING TO THE DESIGNATION OF PAID HOLIDAYS FOR EMPLOYEES WORKING A 4/10 SCHEDULE.

***CONSENT* APPROVAL**

4. Discussion/possible action concerning [Resolution No. 2461](#), 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 PROCLAMATION PROCLAIMING THE ADOPTION OF ARMY UNIT C (COMANCHE) COMPANY, 2ND BATTALION, 27TH INFANTRY (LIGHT), 3RD BRIGADE, 25TH INFANTRY DIVISION (THE WOLFHOUSES) AND AN AGREEMENT

WITH AMERICA SUPPORTING AMERICANS PROVIDING FOR SUCH ADOPTION (ADOPTION OF THE WOLFHOUSES).

5. Discussion/possible action concerning [Resolution No. 2462](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR DISPATCH SERVICES AND PRIMARY LAW ENFORCEMENT SERVICES BETWEEN THE TOWN OF PAYSON AND THE TONTO APACHE TRIBE.
- 6.* Take off the table: Design Review resolution and ordinance from the 9/4/08 Council meeting.
***CONSENT* APPROVAL**
7. Discussion/possible action concerning [Resolution No. 2410](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES AND PROCEDURES, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
8. ****Second Reading and Public Hearing** concerning [Ordinance No. 746](#), captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES AND PROCEDURES. **Second Reading and Public Hearing** ***Corrected 12/4/08, 10:56 a.m.*
9. ****Second 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. **Second Reading and Public Hearing.** ***Corrected 12/4/08, 10:56 a.m.*
10. ****First Reading and Public Hearing** concerning [Ordinance No. 751](#), captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-09-005(B)(5) TO CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (TEMPORARY USE PERMIT FEES). **First Reading and Public Hearing.** ***Corrected 12/4/08, 10:56 a.m.*

H. UNFINISHED BUSINESS

There were no items for this section.

I. NEW BUSINESS

1. [Council Decision Request](#) filed by Rick Manchester, Parks and Recreation Director, to modify the Town Code and to set fees that allow specific park areas and park equipment to be available for the general public on a reservation basis.
- 2.* [Council Decision Request](#) filed by Ray Erlandsen, Acting Community Development Director, to approve the Preliminary Plat for the Residential Condominiums at 414-502 S. Ponderosa Street subject to the condition

recommended by the Planning and Zoning Commission, as amended.

***CONSENT* APPROVAL**

3. Discussion/possible action re: Airport Lease with Payson Regional Airport Authority, including consideration of:
 - A. PRAA Compliance or Noncompliance with Lease Terms;
 - B. Enforcement of Lease Provisions, if appropriate;
 - C. Potentially issuing notice to PRAA regarding Lease noncompliance, if any; and/or
 - D. Continuation of the Lease.

J. CLAIMS

- 1.* List of checks paid from 11/14/08 through 11/26/08, Check Nos. 003939 through 004161, **except Check No. 004158**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No.004158 paid 11/26/08, and authorization to file the check for audit. (**Note: due to a perceived and/or conflict of interest, Council Member Mike Vogel will be considered to have abstained from voting on this item.**)

***CONSENT* APPROVAL**

K. MISCELLANEOUS

The following applications/letters/e-mails are on file in the Town Clerk's Office.

- 1.* **Reappointment** of Jason Phillimore to the Board of Adjustments, term to expire December 31, 2011.

Reappointment of Wayne Donnay to the Board of Adjustments, term to expire December 31, 2011.

Reappointment of Brenda Cornell to the Board of Adjustments, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 2.* **Reappointment** of Robert Myer to the Building Advisory Board, term to expire December 31, 2011.

Reappointment of Gary deSzendeffy to the Building Advisory Board, term to expire December 31, 2011.

Reappointment of Jon Barber to the Building Advisory Board, term to expire December 31, 2011.

Appointment of Bret Balog to the Building Advisory Board, replacing James Garner, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 3.* **Reappointment** of Bill Ensign to the Design Review Board, term to expire December 31, 2011.

Appointment of Bruce Wales, filling the vacancy left by Jeanie Langham, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 4.* Reappointment of Minette Hart-Richardson to the Green Valley Redevelopment Area Committee, term to expire December 31, 2011.

Reappointment of Ken Volz to the Green Valley Redevelopment Area Committee, term to expire December 31, 2011.

- ** Appointment of Jean Ogawa to the Green Valley Redevelopment Area Committee, replacing Michael J. Amon, term to expire December 31, 2011.

****Added 12/10/08 at 11:50 a.m.**

***CONSENT* APPROVAL**

- 5.* Reappointment of Jayne Peace to the Historic Preservation and Conservation Commission, term to expire December 31, 2011.

Reappointment of Peggy Arbaugh to the Historic Preservation and Conservation Commission, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 6.* Reappointment of Mike Foil to the Housing Advisory Commission, term to expire December 31, 2011.

Reappointment of Cliff Potts to the Housing Advisory Commission, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 7.* Reappointment of Rory Huff to the Parks and Recreation Board, term to expire December 31, 2011.

Reappointment of Dave Rutter to the Parks and Recreation Board, term to expire December 31, 2011.

Appointment of James Grady to the Parks and Recreation Board, replacing Bruce Wilson, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 8.* Reappointment of Jere Jarrell to the Planning and Zoning Commission, term to expire December 31, 2011.

Reappointment of Russell Goddard to the Planning and Zoning Commission, term to expire December 31, 2011.

Appointment of Jeff Loyd to the Planning and Zoning Commission, replacing Hal Baas, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 9.* Reappointment of Bob Dalby to the Surface Transportation Advisory Board, term to expire December 31, 2011.

Reappointment of Bruce Van Camp to the Surface Transportation Advisory Board, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 10.* [Council Decision Request](#) filed by LaRon Garrett, Public Works Director, to

approve the list of persons submitted for consideration for the Board of Directors of the Payson Regional Airport Authority.

***CONSENT* APPROVAL**

11. 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.

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