

AMENDED

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
APRIL 15, 2010**

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

INVOCATION (Participation Voluntary) Dr. Charles Proudfoot, Community Presbyterian Church

PLEDGE OF ALLEGIANCE

ROLL CALL: KE __ MV __ EB __ SC __ RC __ MH __ JW __

STAFF PRESENT: DG __ SIS __ MD __ CPW __ DBE __ SS __ LG __ TM __ RE __ CD __ CS __

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 presentation of current events by the Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law specifies that the Town Council may not discuss or take action on any matter mentioned during this presentation or on the attached materials unless the specific matter is properly noticed for legal action.
2. Documents, materials and information for Council review. (The Council will not discuss or take action on the attached; they are provided for information only)

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation** declaring May 06, 2010 as National Day of Prayer. Dr. Charles Proudfoot representing the Payson Christian Ministerial Fellowship will be present to receive the proclamation.
3. **Presentation** by Michael Ploughe, Hydrogeologist, of the 2010 Status Report regarding Town of Payson Water Resource Management.
4. **ADDED** **Proclamation** declaring April 23 - 24, 2010 as Rim Country Classic Auto Club Days. John Hall, President and Ken Gunderson, Co-Chairman and other members of the Rim Country Classic Car Club will be present to receive the proclamation.
(Added 4-13-10, 10:47 a.m.)

E. MINUTES

- 1.* **Council Meeting Minutes:**
04-01-10 Regular Meeting Pages 7 - 9

***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.* **Green Valley Redevelopment Area Commission Minutes:**
03-04-10 Regular Meeting Pages 668 - 671

***CONSENT* INFORMATION ONLY**

- 3.* **Housing Advisory Commission Minutes:**

12-17-09 Regular Meeting Pages 50 - 51

03-18-10 Regular Meeting Pages 52

***CONSENT* INFORMATION ONLY**

4.* Payson Advisory Youth Council Minutes:

01-14-10 Regular Meeting Pages 1 - 3

02-11-10 Regular Meeting Pages 1 - 3

***CONSENT* INFORMATION ONLY**

5.* Public Safety Personnel Retirement System - Police Department Local Board Minutes:

06-02-09 Regular Meeting Page 1

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **ADDED** **Public Hearing** application for extension of premises/patio permit filed by Salvador Anaya Mata, La Sierra Mexican Restaurant Inc., 800 North Beeline Highway, Payson, AZ 85541 for May 5, 2010. **(Added 4-13-10, 3:21 p.m.)**

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. The following two items will be heard together: Resolution No. 2541 and Ordinance No. 776.

Discussion/possible action concerning:

A. **Resolution No. 2541** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

B. **Second Reading and Public Hearing** concerning: **Ordinance No. 776** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT. (BUILDING HEIGHT AMENDMENT) **Second Reading and Public Hearing.**

- 3.* Discussion/possible action concerning: **Resolution No. 2546** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE GILA COUNTY FIRE MUTUAL AID AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT.

***CONSENT* APPROVAL**

4. **AMENDED** Discussion/possible action concerning: ~~Resolution NO:~~

~~2549~~ captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A FEE SCHEDULE FOR THE PROVIDING OF EMERGENCY FIRE AND MEDICAL SERVICES WITHIN THE CORPORATE LIMITS OF THE TOWN OF PAYSON WHEN ALCOHOL OR DRUGS ARE INVOLVED IN CREATING THE NEED FOR SUCH EMERGENCY SERVICES. (Note: Removed from Agenda 04-12-10, 2:24 p.m.)

5. **Second Reading and Public Hearing** concerning **Ordinance No.775** 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, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 208-214 SOUTH CLARK AND 209 SOUTH GOODNOW ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-04-208 AND 304-04-130, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-8MH TO R3. (FOUNDATION FOR SENIOR LIVING REZONING) **Second Reading and Public Hearing.**
6. **First Reading and Public Hearing** concerning **Ordinance No. 777** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REPEALING THE MORATORIUM ENACTED BY ORDINANCE 695 LIMITING THE ANNUAL NUMBER OF RESIDENTIAL BUILDING PERMITS. **First Reading and Public Hearing.**
7. **First Reading and Public Hearing** concerning **Ordinance No. 778** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 130.25 OF THE CODE OF THE TOWN OF PAYSON REPEALING THE PROHIBITION ON ELECTRIC FENCES WITHIN THE TOWN LIMITS. **First Reading and Public Hearing.**
8. **First Reading and Public Hearing** concerning **Ordinance No. 779** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 152 (GRADING AND DRAINAGE) **First Reading and Public Hearing.**
9. **First Reading and Public Hearing** concerning **Ordinance No. 780** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX, AMENDING SECTION 8A-447 OF THE TAX CODE OF THE TOWN OF PAYSON AND ESTABLISHING AN EFFECTIVE DATE. **First Reading and Public Hearing.**

H. UNFINISHED BUSINESS

There are no items in this section.

I. NEW BUSINESS

1. There are no items in this section.

J. CLAIMS

1. There are no items in this section.

K. MISCELLANEOUS

- 1.* Appointment of Anthony J. Alfano to the Design Review Board to fill the unexpired term of Bruce O. Wales, term to expire December 31, 2011. (Application on file in the Town Clerk's office)
***CONSENT* APPROVAL**
- 2.* Acceptance with regrets of the resignation of Jere L. Jarrell from the Planning and Zoning Commission and thanks for a job well done. (Letter of resignation on file in the Town Clerk's Office)
***CONSENT* APPROVAL**
- 3.* Acceptance of the resignation of Mark Waldrop from the Green Valley Redevelopment Area Commission and thanks for a job well done. (Letter of resignation on file in the Town Clerk's office)
***CONSENT* APPROVAL**
- 4.* Appointment of Mark Waldrop to the Planning and Zoning Commission to fill the unexpired term of Jere L. Jarrell, term to expire December 31, 2011. (Application on file in the Town Clerk's office)
***CONSENT* APPROVAL**
5. 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.

ADJOURNMENT

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 - 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 _____, 2010, at _____, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk