

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
NOVEMBER 01, 2007**

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

INVOCATION (Participation Voluntary) Gordon Hauptman
Crossroads Church

PLEDGE OF ALLEGIANCE

ROLL CALL: BE__ TF __ EB __ SC __ AR__ MV__ JW__

STAFF PRESENT: DG__ SIS__ MD__ CPW__ DPE__ SS__ JO__ 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. **Introduction** of new employees: Police Department Secretary Kerry Rizza; Community Development Permit Technician Kirby Holliday; and, Tourism/Economic Vitality Director Cameron Davis.
3. **Presentation** of the National Association Development Organization award (NADO) to the Town Council by Maxine Leather, Executive Director of CAAG.
4. **Proclamation** declaring November 2007 as **National Hospice Month; Hospice Care: It's About How You Live.** Cathleen Hughes, Community
** Liaison, and Linda Keim, Executive Director, will be present to accept the proclamation.

****Added 10-30-07**

E. MINUTES

- 1.* **Council Meeting Minutes:**
. 10-11-07 Special Meeting 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.* **Parks and Recreation Advisory Board Minutes:**
. 09-12-07 Regular Meeting Pages 1-2

CONSENT

- 3.* **Design Review Board Minutes:**
. 09-11-07 Regular Meeting Pages 16-18
. 09-25-07 Regular Meeting Pages 19-20
. 10-09-07 Regular Meeting Pages 21-23

CONSENT

F. HEARINGS AND APPEALS

4. ~~This is a Public Hearing concerning an application for Extension of~~

~~** Premises/Patio Permit (temporary) filed by Robert Ray Herrera, agent, Oxbow Saloon (Lic. #06040034), 607 W. Main Street, Payson, Arizona, for November 17, 2007. **This is a Public Hearing.** (Note: application on file in the Town Clerk's Office.)~~

~~**Removed 10-20-07~~

1. ***This is a Public Hearing*** concerning an application for a Special Event
~~** Liquor License, filed by Hallie A. Jackman, agent, Rim Country Rotary Foundation, for an event on Saturday, November 17, 2007, from 11:00 a.m. to 12:00 a.m. (Mark Chesnutt Concert), at 1400 S. Beeline Highway, Payson, Arizona. (Note: Application on file in Town Clerk's office.)~~

~~**Added 10-30-07.~~

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. 2332**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 150: BUILDING REGULATIONS OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. [2007 BUILDING AND FIRE CODE AMENDMENTS)
3. **Second Reading and Public Hearing** concerning **Ordinance No. 726**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO CHAPTER 150: BUILDING REGULATIONS OF THE CODE OF THE TOWN OF PAYSON. [2007 BUILDING AND FIRE CODE AMENDMENTS] **Second Reading and Public Hearing.**
4. Discussion/possible action concerning **Resolution No. 2333**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15.05 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (TEMPORARY SIGNS)
5. **Second Reading and Public Hearing** concerning **Ordinance No. 727**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-05 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (REGULATING TEMPORARY SIGNS) **Second Reading and Public Hearing.**
- 6.* Discussion/possible action concerning **Resolution No. 2336**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPOINTING ELECTION OFFICIALS FOR THE MARCH 11, 2008 PRIMARY ELECTION AND THE MAY 20, 2008 GENERAL ELECTION. FIXING THEIR COMPENSATION, AUTHORIZING THE TOWN CLERK TO APPOINT AN ELECTION BOARD AND A TALLY BOARD, AND DECLARING AN EMERGENCY.

***CONSENT* APPROVAL**

- 7.* Discussion/possible action concerning **Resolution No. 2337**, 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 MARCH 11, 2008 PRIMARY ELECTION AND THE MAY 20, 2008 GENERAL ELECTION, AND DECLARING AN EMERGENCY.

***CONSENT* APPROVAL**

- 8.* Discussion/possible action concerning **Resolution No. 2338**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE ST. PHILIPS ST. AND BONITA ST. ROAD CONSTRUCTION PROJECT.

***CONSENT* APPROVAL**

9. Discussion/possible action concerning **Resolution No. 2339**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE FINAL PLAT AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR THE FOREST EDGE SUBDIVISION.
10. Discussion/possible action concerning **Resolution No. 2341**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE FINAL PLAT AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR CEDAR RIDGE PHASE 3 SUBDIVISION.
11. Discussion/possible action concerning **Resolution No. 2342**, 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 INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF GILA FOR THE RECYCLING OF PAPER PRODUCTS.
12. Discussion/possible action concerning **Resolution No. 2343**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR OR TOWN MANAGER TO EXECUTE THE PAYSON EVENT CENTER HOTEL, RESTAURANT AND CONFERENCE CENTER LAND AND IMPROVEMENTS LEASE.
13. **Second Reading and Public Hearing** concerning **Ordinance No. 728**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR AN EXCHANGE OF REAL PROPERTY IN THE VICINITY OF MUD SPRINGS ROAD WITHIN THE TOWN LIMITS OF THE TOWN OF PAYSON, AND

FINDING THAT THE PARCELS OF REAL PROPERTY TO BE EXCHANGED ARE OF SUBSTANTIALLY EQUAL VALUE. **Second Reading and Public Hearing.**

H. UNFINISHED BUSINESS

- 1.* Council Decision Request filed by LaRon G. Garrett, Town Engineer, to approve the subdivision construction of the **Manzanita Hills Phase 6** Subdivision, including traffic control devices, subject to the developer's two-year warranty of improvements, and to accept the subdivision improvements for town maintenance under such warranty.

***CONSENT* APPROVAL**

- 2.* Council Decision Request filed by LaRon G. Garrett, Town Engineer, to approve the Second Amended Final Plat for **Boulder Creek** 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**

3. Council Decision Request filed by LaRon G. Garrett, Town Engineer, to direct staff to investigate and implement alternative traffic calming measures pertaining to the **intersection** of E. Phoenix Street and S. Elk Ridge Drive rather than modifying the intersection to be a 4-Way Stop.

I. NEW BUSINESS

- 1.* Council Decision Request filed by Debra A. Galbraith, Interim Town Manager, to approve the payment of \$45,550 in **LTAF II** funds to the Payson Multi-Purpose Senior Center to fund the expenses related to providing daily transportation for Payson Seniors and handicapped. The Senior Center must provide a separate report on the use of these funds by June 30, 2008.

***CONSENT* APPROVAL**

2. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the **Payson Place** subdivision at 200-208 W. Cherry Street subject to the conditions recommended by the Planning and Zoning Commission.

J. CLAIMS

- 1.* List of checks paid from 10-09-07 through 10-15-07, Check Nos. 43832 through 44048, **except Check No. 44037**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No. 44037 paid 10-15-07, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Clmn. Vogel will be considered to have abstained from voting on this item.)**

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.

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 _____, 2007, at _____, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk