

**AMENDED**

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
JULY 1, 2009**

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

**INVOCATION (Participation Voluntary)** Pastor D.I. Buttram, Rim Valley Church of God

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** KE \_\_ EB \_\_ SC \_\_ RC \_\_ MH \_\_ MV \_\_ JW \_\_

**STAFF PRESENT:** DG \_\_ SIS \_\_ MD \_\_ CPW \_\_ DBE \_\_ SS \_\_ LG \_\_ TM \_\_ RE \_\_ 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 presentation of current events by the Town Manager, Mayor, and/or Council Members. Documents, materials and information for Council review. 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.

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

1. **Proclamation** declaring Tuesday, August 4, 2009 as the 26th Annual National Night Out. Donald Engler, Payson Police Chief, and Kim Becker, Executive Assistant Payson Police Department, will be present to accept the proclamation.
2. **ADDED** **Proclamation** declaring Harry Shill as the official Town of Payson Rodeo Ambassador. Harry Shill will be present to accept the proclamation. (**Added 6-30-09 at 11:30 a.m.**).

**E. MINUTES**

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

06.04.09	Regular Meeting Minutes	Pages 1 - 9
06-18-09	Special Meeting Minutes	Pages 1 - 5
06-19-09	Special Meeting Minutes	Page 1
06-19-09	Community Event Meeting Minutes	Page 1

**\*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 Commission Minutes:**

05-13-09	Regular Meeting Minutes	Pages 1 - 4
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**\*CONSENT\* INFORMATION ONLY**

**3.\* Surface Transportation Advisory Board Minutes:**

05-06-09	Regular Meeting Minutes	Pages 195 - 197
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**\*CONSENT\* INFORMATION ONLY**

**4\* Design Review Board Minutes:**

04-28-09	Regular Meeting Minutes	Pages 98 - 99
05-12-09	Regular Meeting Minutes	Pages 100 - 102

**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. **This is a Public Hearing** concerning an application for a special event liquor license filed by Judy A. Baker, agent for the Mogollon Health Alliance, for a fundraising event to be held Friday, August 7, 2009 from 4:00 p.m. to 11:00 p.m., Saturday, August 8, 2009 from 8:00 a.m. to 12:00 midnight and Sunday, August 9, 2009 from 9:00 a.m. to 5:00 p.m. at 1400 South Beeline Highway, Payson, Arizona. (**Note:** Application on file in the Town Clerk's office.)

**G. RESOLUTIONS AND ORDINANCES**

- 1.\* Discussion/possible action concerning [Resolution No. 2496](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR FY 2009, AS REQUIRED UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

**\*CONSENT\* APPROVAL**

2. **Second Reading and Public Hearing** concerning [Ordinance No. 765](#), 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 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES). **Second Reading and Public Hearing.**
3. **Second Reading and Public Hearing** concerning [Ordinance No. 766](#), 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 1800 NORTH BEELINE HIGHWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-004K, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO C-2 (PONDEROSA BAPTIST CHURCH). **Second Reading and Public Hearing.**

**H. UNFINISHED BUSINESS**

1. There are no items in this section.

**I. NEW BUSINESS**

1. There are no items in this section.

## J. CLAIMS

- 1.\* List of checks paid from 06/09/09 through 06/22/09, Check Nos. 006017 through 006233, **except Check No. 006209**, and authorization to file the checks for audit.

**\*CONSENT\* APPROVED**

- 2.\* Check No. 006209 and authorization to file check for audit. **(Note: due to a perceived and/or conflict of interest, Council Member Vogel will be considered to have abstained from voting on this item).**

**\*CONSENT\* APPROVED**

## 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.
- 2.\* Acceptance, with regrets, of the [resignation of Mareena Cords](#) from the Design Review Board and thanks for a job well done.

**\*CONSENT\* APPROVED**

## 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.

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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 \_\_\_\_\_, 2009, at \_\_\_\_\_, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: \_\_\_\_\_  
Silvia Smith, Town Clerk