

AMENDED

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
SEPTEMBER 10, 2009**

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

INVOCATION (Participation Voluntary) Reverend Chuck Proudfoot, Community Presbyterian Church

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. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation** declaring September 28, 2009 as Family Day - A Day to Eat Dinner with Your Children.
3. **Proclamation** declaring September 17, 2009 as Citizenship Day and September 17-23, 2009 as Constitution Week. Members of the Daughters of the Revolution will be present to accept the proclamation.
4. **Proclamation** declaring September 20-26, 2009 as Disability Awareness Week. Members of the Adult Friendship Class and teachers from mountain Bible Church will be present to accept the proclamation.
5. **Proclamation** declaring September 26, 2009 as Friends of the Poor Walk Day. Ed Burgin and Members of the St. Vincent De Paul will be present to accept the proclamation.

E. MINUTES

- 1.* **Council Meeting Minutes:**
08-20-09 Special Meeting Page 1
08-20-09 Special Meeting Pages 1 - 2
08-20-09 Regular Meeting Pages 1 - 13

***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.* **Housing Advisory Commission Meeting Minutes:**
06-25-09 Regular Meeting Pages 45 - 46

***CONSENT* INFORMATION ONLY**

3.* **Parks and Recreation Commission Meeting Minutes:**

06-10-09 Regular Meeting Pages 1 - 4

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Series 12 Liquor License filed by Craig Lewis Dalton, agent, Cardo's Italian Restaurant, 203 E. Highway 260, Suite A1, Payson, Arizona. **This is a Public Hearing.** (Application is available in the Town Clerk's Office)
2. **This is a Public Hearing** concerning an Appeal of the Planning and Zoning Commission's approval of Conditional Use Permit Amendment CUP-173-09, allowing an amended site plan for a school use at 500 S. Mud Springs Road. The Applicant and Phillip Anderson each filed independent appeals of the Commission's July 13, 2009 decision pursuant to Unified Development Code Section 15-09-004(D)(3). The Council may reverse, affirm, or modify the decision of the Commission. **Background Material Common to Both appeals for CUP-173-09 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. 2514**, 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 COOPERATIVE PURCHASING.
***CONSENT* APPROVAL**
3. **AMENDED** Discussion/possible action concerning **Resolution No. 2516**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA ~~AMENDING STIPULATIONS TO THE PRELIMINARY PLAT,~~ APPROVING THE FINAL PLAT, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR PARK TRAIL SUBDIVISION.
(Amended 09-08-09, 1:40 p.m.)
- 4.* Discussion/possible action concerning **Resolution No. 2515**, 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 WITH PAYSON CHAMBER OF COMMERCE, INC., FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.
***CONSENT* APPROVAL**

5. **First Reading and Public Hearing** concerning **Ordinance No. 772**, 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 1014 EAST CANYON DRIVE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-015R, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-90 TO R1-35. (1014 E CANYON DRIVE REZONING) **First Reading and Public Hearing**.

H. UNFINISHED BUSINESS

1. There are no items in this section

I. NEW BUSINESS

1. **Council Decision Request** filed by Martin A. deMasi, Fire Chief, to waive the plan review and permit fees for the Rim Country Middle School and Payson High School fire alarm projects.
2. **Council Decision Request** filed by Bethany Beck, Grants Coordinator and Housing Program Manager, to authorize the Housing Advisory Commission to coordinate local participation in the Rock and Roll Paint-a-thon, to be held October 24, 2009.
3. **Council Decision Request** filed by Debra a. Galbraith, Town Manager, to:

Direct staff to create a contract from July 1, 2009 to December 31, 2009 to pay the Humane Society on a monthly basis, in the amount of \$7,400, pending contract negotiation

OR

Direct staff not to pay the Humane Society until a contract for fiscal year 2009/2010 has been signed, at which time they will be paid from July 1, 2009 to current.

4. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to revise two of the Rim Ridge Estates Subdivision Preliminary Plat conditions to read as follows:

No.3: The Mud Springs Road adjacent to the project shall be upgraded to meet Town Standards. This may require additional right of way dedications. Improvements shall be a minimum of 16.5 feet of pavement from the roadway center of the right of way to the back of curb with vertical curb and gutter. *The developer shall also make a contribution to the PATS equal to constructing 380 linear feet of granite trail of \$5,700.00 payable prior to approval of the development plans for Tract 'D'.*

No. 5: The developer will contribute their pro rata share of the cost of a

traffic control device at Mud Springs Road and Highway 260, to be payable prior to the *approval of the development plans for Tract 'D'*.

and, to direct staff to formulate a financial assurance agreement with the Developer that will facilitate installing the landscape within 9 months of the final acceptance of the subdivision construction improvements.

J. CLAIMS

- 1.* List of checks paid from 08/12/09 through 08/31/09, Check Nos. 006802 through 007157 and authorization to file the checks for audit.

***CONSENT* APPROVAL**

K. MISCELLANEOUS

- 1.* Acceptance with regrets of the resignation of [Daniel W. Malloy](#) from the Fire Department Alternate Pension and Benefit Plan with thanks for a job well done.

***CONSENT* APPROVAL**

- 2.* Acceptance with regrets of the resignation of [Minette L. Hart-Richardson](#) from the Green Valley Redevelopment Area Commission with thanks for a job well done.

***CONSENT* APPROVAL**

- 3.* Appointment of John Robert Holiday to the Historic Preservation and Conservation to replace the unexpired term of Pat Lundblad. Term to expire December 31, 2010. (Application on file in the Town Clerk's office).

***CONSENT* APPROVAL**

4. 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 _____, 2009, at _____, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk