

AMENDED

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
SEPTEMBER 24, 2009**

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

INVOCATION (Participation Voluntary) Minister Simone Lake, Pine's Church on Randall Place

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 October 2009 as Domestic Violence Awareness Month. Gerry Bailey, Executive Director for Time Out Inc., will be present to accept the proclamation.
3. **Proclamation** declaring October 2 through 9, 2009 as a "Week of 24 x 7 Prayer". David Reisdorf will be present to accept the proclamation.
4. **Proclamation** declaring October 4 - 10, 2009 as Fire Prevention Week. Members of the Payson Fire Department will be present to accept the proclamation.
5. Presentation by Steve Hale, Small Business Administration.
6. Presentation by Lisa Henderson, Arizona Main Street Program, of the finalist awards to Individual of the Year and Best Economic Restructuring.
7. Presentation of a plaque from the Payson Rodeo Preservation Alliance to the Town of Payson by Chuck Jackman.
8. Presentation by Ray Erlandsen, Acting Community Development Director, regarding temporary signs within the Town of Payson; including what is allowed and the Town's enforcement procedures.

E. MINUTES

1. **AMENDED Council Meeting Minutes:**
09.10.09 Regular Meeting Minutes Pages 1 - 11
Corrected 9/23/09 at 9:30 a.m.

***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.* **Historic Preservation and Conservation Commission:**
07.13.09 Regular Meeting Minutes Pages 192 - 193

08.18.09 Regular Meeting Minutes Page 194

***CONSENT* INFORMATION ONLY**

3.* Parks and Recreation Commission

08.19.09 Regular Meeting Minutes Pages 1 - 3

***CONSENT* INFORMATION ONLY**

4.* Design Review Board

07.14.09 Regular Meeting Minutes Pages 110 - 111

07.28.09 Regular Meeting Minutes Pages 112 - 113

08.11.09 Regular Meeting Minutes Pages 114 - 115

08.25.09 Regular Meeting Minutes Page 116

08.25.09 Special Meeting Minutes Page 117

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

There are no items in this section.

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. 2512](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE [TOWN OF PAYSON PERSONNEL MANUAL](#).
- 3.* Discussion/possible action concerning [Resolution No. 2517](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING DEBRA A. GALBRAITH, TOWN MANAGER OF THE TOWN OF PAYSON, AND CINDY SMITH, CHIEF FISCAL OFFICER OF THE TOWN OF PAYSON, TO EXECUTE A CERTIFICATION OF BANKING RESOLUTIONS, AUTHORIZING BANKING SERVICES WITH JPMORGAN CHASE BANK, N.A., AND BANK SUBSIDIARIES THEREOF, AND DESIGNATING SIGNATORIES RELATING TO THE VARIOUS ACCOUNTS TO BE MAINTAINED AT JPMORGAN CHASE BANK, AND DECLARING AN EMERGENCY.
- *CONSENT* APPROVAL**
4. **AMENDED** ~~Discussion/possible action concerning [Resolution No. 2518](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ORDERING THE SALE OF \$1,525,000 PRINCIPAL AMOUNT OF TOWN OF PAYSON, ARIZONA, GENERAL OBLIGATION BONDS (PROJECT OF 2003), SERIES 2009. Re-scheduled to October 8, 2009. Amended 9-17-09 at 5:00 p.m.~~
5. **Second 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). **Second Reading and Public Hearing.**

H. UNFINISHED BUSINESS

1. There are no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendments to the Unified Development Code to increase the maximum allowable height of buildings in Multi-Family and Commercial Zoning Districts.
2. **Council Decision Request** filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendments to the Unified Development Code related to home-based businesses and neighborhood retail/office uses within multi-family districts.
3. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to award the contract for the Green Valley Park Bank Stabilization and Storm Water Study to Mountain Standard Inc. of Payson Arizona and authorize the Mayor to sign all necessary contract documents.
- 4.* **Council Decision Request** filed by Silvia Smith, Town Clerk, to approve the schedule change of the Special Town Council Meeting for the Corporate Strategic Planning Meeting of October 13, 2009 to December 15, 2009.

***CONSENT* APPROVAL**

J. CLAIMS

- 1.* List of checks paid from 09/03/09 through 09/14/09, Check Nos. 007158 through 007241, **except Check No. 007165**, and authorization to file the checks for audit.
- 2.* Check No. 007165 and authorization to file check for audit. **(Note: due to a perceived and/or conflict of interest, Vice-Mayor Vogel will be considered to have abstained from voting on this item).**

***CONSENT* APPROVAL**

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.

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