

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
OCTOBER 8, 2009**

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

INVOCATION (Participation Voluntary) Reverend Dr. Kenneth Lentz, Mount Cross Lutheran 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. 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 19-23, 2009 as Arizona Cities & Towns Week.

E. MINUTES

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.)

1.* Design Review Board Minutes:

09-08-09 Regular Meeting Pages 118 - 119

***CONSENT* INFORMATION ONLY**

3.* Green Valley Redevelopment Area Commission Minutes:

08-06-09 Regular Meeting Pages 646 - 648

08-06-09 Special Meeting Page 649

09-03-09 Regular Meeting Pages 650 - 651

09-23-09 Regular Meeting Pages 652 - 654

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** proposing to continue use of the Alternative Expenditure Limitation. (Home Rule) **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. 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.

H. UNFINISHED BUSINESS

1. Council Decision Request filed by LaRon Garrett, Public Works Director, to include the purchase of the 13.5 acres adjacent to the Payson Airport in the Town's 2010-2011 budget but to only move forward with the purchase once the FAA has committed to funding their portion of the purchase.

I. NEW BUSINESS

- 1.* Council Decision Request filed by Silvia Smith, Town Clerk, to approve the schedule change to cancel the special council meeting dates for the Corporate Strategic Planning of November 12, 2009 and December 15, 2009.
***CONSENT* APPROVAL**

J. CLAIMS

- 1.* List of checks paid from 09/15/09 through 09/29/09, Check Nos. 007242 through 007410, **except Check Nos. 007279, 007352, 007361, 007448 and 007510**, and authorization to file the checks for audit.
***CONSENT* APPROVAL**
- 2.* Check No. 007279 and authorization to file check for audit. **(Note: due to a perceived and/or conflict of interest, Council Member Croy will be considered to have abstained from voting on this item.)**
***CONSENT* APPROVAL**
- 3.* Check No. 007352 and authorization to file check for audit. **(Note: due to a perceived and/or conflict of interest, Council Member Wilson will be considered to have abstained from voting on this item.)**
***CONSENT* APPROVAL**
- 4.* Check No.007361 and authorization to file check for audit. **(Note: due to a perceived and/or conflict of interest, Mayor Evans will be considered to have abstained from voting on this item.)**
***CONSENT* APPROVAL**
- 5.* Check No. 007448 and authorization to file check for audit. **(Note: due to a perceived and/or conflict of interest, Council Member Connell will be considered to have abstained from voting on this item.)**
***CONSENT* APPROVAL**

- 6.* Check No. 007510 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.* Appointment of Brandon LaBonte to the Fire Department Alternate Pension & Benefit Plan Board to fill the unexpired term of Daniel Malloy. Term to expire December 31, 2011. (Application on file in the Town Clerk's office).
***CONSENT* APPROVAL**
2. 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