

AMENDED

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

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

INVOCATION (Participation Voluntary)

Senior Pastor Kelly Wooldridge, First Assembly of God

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. 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.
2. Documents, materials and information for Council review. (The Council will not discuss or take action on the attached; they are provided for information only)

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.

E. MINUTES

1. Council Meeting Minutes:

- | | | |
|----------|-------------------------|--------------|
| 11.05.09 | Regular Meeting Minutes | Pages 1 - 14 |
| 11.19.09 | Special Meeting Minutes | Pages 1 - 3 |
| 11.19.09 | Regular Meeting Minutes | Pages 1 - 7 |

***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:

- | | | |
|----------|-------------------------|-------------|
| 09.09.09 | Regular Meeting Minutes | Pages 1 - 4 |
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***CONSENT* INFORMATION ONLY**

3.* Design Review Board:

- | | | |
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| 10.27.09 | Regular Meeting Minutes | Pages 124 - 125 |
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***CONSENT* INFORMATION ONLY**

4.* Green Valley Redevelopment Area Commission:

11.05.09 Regular Meeting Minutes Pages 657 - 658

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Series #12 Liquor License (#12043068) filed by John Michael Makosiej, agent, Famous Sam's, 307 South Beeline Highway Suite J, Payson, Arizona. (**NOTE:** application on file with the Town Clerk's office) **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. The following two items will be heard together: Discussion/possible action concerning Resolution No. 2472 and the Second Reading and Public Hearing of Ordinance No. 775.
 - A. **Resolution No. 2472** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 95 (AIRPORT) OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
 - B. **Second Reading and Public Hearing** of **Ordinance No. 755** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 95 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. (AIRPORT) **Second Reading and Public Hearing.**
3. Discussion/possible action concerning **Resolution No. 2532**, captioned as follows: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,525,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, (PROJECT OF 2003) SERIES 2009; PROVIDING FOR THE ANNUAL LEVY OF A TAX FOR THE PAYMENT OF THE BONDS; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE SERVICES OF A BOND REGISTRAR,

TRANSFER AGENT AND PAYING AGENT; APPROVING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE ISSUANCE AND SALE OF THE BONDS HEREIN AUTHORIZED; RATIFYING THE ACTIONS OF TOWN OFFICERS AND AGENTS CONCERNING THE BONDS AND THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE BONDS; PROVIDING CERTAIN TERMS, COVENANTS AND PROVISIONS REGARDING THE BONDS; AND DECLARING AN EMERGENCY.

4. Discussion/possible action concerning [Resolution No. 2534](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE HUMANE SOCIETY OF CENTRAL ARIZONA, INC.
5. **ADDED** Discussion/possible action concerning [Resolution No. 2535](#), 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 BETWEEN GILA COUNTY AND THE TOWN OF PAYSON REGULATING THE CONSTRUCTION OF PUBLIC PROPERTY IMPROVEMENTS IN EACH OTHER'S RESPECTIVE JURISDICTIONS. **(Added 12-09-09, 8:40 a.m.)**

H. UNFINISHED BUSINESS

There are no items in this section.

I. NEW BUSINESS

- 1.* [Council Decision Request](#) filed by Cindy L. Smith, Chief Fiscal Officer, to approve the payment of \$29,428.87 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, 2010.

***CONSENT* APPROVAL**

2. [Council Decision Request](#) filed by LaRon Garrett, Public Works Director, for the Town of Payson to partner with Payson Unified School District on applying for a "Safe Routes to School" grant that would construct a crosswalk across Longhorn Road at Forest Park Drive that will include a striped crosswalk on the pavement and manually actuated flashing lights on the side of and within the

roadway pavement to alert the motorists that a pedestrian is crossing the roadway contingent on there being no financial costs to the Town.

3. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to approve the contract with Sunrise Engineering, Inc. for Preliminary Engineering Design of the C.C. Cragin Raw Water Pipeline and authorize the Mayor to sign the necessary contract documents.
4. **Council Decision Request** filed by Martin A. deMasi, Fire Chief, to approve the award of the bid to American Fire Training Systems, Inc., in the amount of \$173,785 for the purchase of a mobile live fire training unit.
5. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to approve the on-call engineering and construction management contract for the Payson Airport with Armstrong Consultants, Inc. and authorize the Mayor to sign the necessary contract documents, contingent on receiving final approval from the FAA.

J. CLAIMS

- 1.* List of checks paid from 10/28/09 through 11/24/09, Check Nos. 007837 through 008093, **except Check No. 008024**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No. 008024 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

The following applications/letters/e-mails are on file in the Town Clerk's Office.

- 1*. Reappointment of Ralph Bossert to the Building Advisory Board, term to expire December 31, 2012.

Reappointment of Herman A. Holtz to the Building Advisory Board, term to expire December 31, 2012.

***CONSENT* APPROVAL**

- 2.* Reappointment of Deborah Hughes to the Design Review Board, term to expire December 31, 2012.

Reappointment of Barbara Underwood to the Design Review Board,

term to expire December 31, 2012.

***CONSENT* APPROVAL**

- 3.* Appointment of Judy Pittman to the Green Valley Redevelopment Area Committee, filling the vacancy left by Minette Hart-Richardson, term to expire December 31, 2011.

***CONSENT* APPROVAL**

- 4.* Reappointment of Deborah Burzynski to the Housing Advisory Commission, term to expire December 31, 2012.

Reappointment of John Wakelin to the Housing Advisory Commission, term to expire December 31, 2012.

Appointment of Maria Cohen to the Housing Advisory Commission, term to expire December 31, 2012.

***CONSENT* APPROVAL**

- 5.* Reappointment of Robert S. Ingram to the Parks and Recreation Board, term to expire December 31, 2012.

Reappointment of Gerri Levine to the Parks and Recreation Board, term to expire December 31, 2012.

***CONSENT* APPROVAL**

- 6.* Reappointment of Joel Mona to the Planning and Zoning Commission, term to expire December 31, 2012.

Appointment of Clark Jones to the Planning and Zoning Commission, term to expire December 31, 2012.

***CONSENT* APPROVAL**

- 7.* Reappointment of Shirley Dye to the Surface Transportation Advisory Board, term to expire December 31, 2012.

Reappointment of Christine Tilley to the Surface Transportation Advisory Board, term to expire December 31, 2012.

Appointment of Gordon Metcalf to the Surface Transportation Advisory Board, term to expire December 31, 2012.

***CONSENT* APPROVAL**

8. 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