

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
AUGUST 19, 2010**

**CALL TO ORDER:** 4:30 p.m. (meeting was rescheduled to start at 4:30 p.m.) in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION (Participation Voluntary)**    Pastor Tom Gossett, Indian Trails Missions

**PLEDGE OF ALLEGIANCE**

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

**STAFF PRESENT:** DG\_\_ TW\_\_ MD\_\_ DBE\_\_ SS\_\_ LG\_\_ TM\_\_ 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. 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:**

08.05.10 Regular Meeting Pages 1 - 12

**\*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.\* Payson Advisory Youth Council:**

04.22.10 Regular Meeting Pages 1 - 4

05.10.10 Regular Meeting Pages 1 - 4

05.17.10 Special Meeting Pages 1 - 2

07.06.10 Regular Meeting Pages 1 - 3

**\*CONSENT\* INFORMATION ONLY**

### **F. HEARINGS AND APPEALS**

1. 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. The following two items will be heard together: Resolution No. 2569 and

Ordinance No. 785. Discussion/possible action concerning:

- A. [Resolution No. 2569](#), captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 15-03-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING, AND LIGHTING, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
  - B. **Second Reading and Public Hearing** concerning [Ordinance No. 785](#), captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 15-03-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING AND LIGHTING. **Second Reading and Public Hearing.**
- 3.\* Discussion/possible action concerning [Resolution No. 2573](#), 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, TO EXECUTE CERTAIN DOCUMENTS CHANGING SIGNATORIES RELATING TO THE VARIOUS ACCOUNTS MAINTAINED AT JPMORGAN CHASE BANK, AND DECLARING AN EMERGENCY.

**\*CONSENT\* APPROVAL**

4. **Second Reading and Public Hearing** concerning [Ordinance No. 787](#), captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.82(B) OF THE CODE OF THE TOWN OF PAYSON RELATING TO WATER CONSERVATION PLUMBING STANDARDS. **Second Reading and Public Hearing.**
5. **First Reading and Public Hearing** concerning [Ordinance No. 788](#), captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.39 TO THE CODE OF THE TOWN OF PAYSON. (FIREWORKS REGULATION). **First Reading and Public Hearing.**
6. **First Reading and Public Hearing** concerning [Ordinance No. 789](#), captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.59 OF THE CODE OF THE TOWN OF PAYSON. (WATER DEVELOPMENT FEE - TIME FOR PAYMENT). **First Reading and Public Hearing.**

## H. UNFINISHED BUSINESS

There are no items in this section.

## I. NEW BUSINESS

- 1.\* [Council Decision Request](#) filed by Tim Wright, Town Attorney, to direct Town Staff to discontinue the use of standard paragraph 13 (RE: Town Business Licenses) in contracts and agreements with other governmental entities.

**\*CONSENT\* APPROVAL**

2. [Council Decision Request](#) filed by LaRon Garrett, Public Works Director, to deny the request for removing the existing trees in Town of Payson rights-of-way on the west side of Highway 87 south of Aero Drive

OR

to approve issuing a permit for the removal of trees and minor trimming of two additional trees in Town of Payson rights-of-way on the west side of Highway 87 south of Aero Drive with the following conditions: (1) The area from where the trees are to be removed shall be re-landscaped with colorful plants and a 4' high evergreen hedge; and (2) The billboard owner shall provide 2 new trees (minimum size 24" box) to be planted elsewhere within the Town at the direction of the Public Works Department for each tree removed.

## **J. CLAIMS**

- 1.\* List of checks paid from July 29, 2010 through August 6, 2010, Check Nos. 010947 through 011070, and authorization to file the checks for audit.

**\*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.

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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 \_\_\_\_\_, 2010, at \_\_\_\_\_, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

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