



MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, May 2, 2013, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

Call to Order: Mayor LeVault at 6:58 p.m.

Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jack Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Susan MacKay and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorneys Kelly Schwab and Trish Stuhan, Economic Development Manager Gayle Cooper, Community Development Coordinator Gregory Arrington, Finance Manager Karen Sypniewski, Public Safety Manager Mike Kessler, Public Works Manager Marty Mosbrucker, Library Manager Heidi Speed and Deputy Town Clerk Stacy Anderson.

Pledge of Allegiance and Invocation: Councilmember Johnson led the Pledge of Allegiance and Vice Mayor Duran offered the Invocation.

Communications: Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.

A. Communications from Council

Mayor LeVault

- I received a phone call this evening from C.J. French. Agua Fria Ranch HOA has a contract with C.J. and he wanted to express his gratitude to the Town's Code Enforcement Department. I have to give a tip of the hat to Mike Kessler and Joseph Garnica from our Code Department for their due diligence in working with the HOA and residents for potential code violations.
- It seems recently that Mr. Kessler and I are known as the Morning Club; I catch them and you bust them. I walk the dogs in the mornings in the Agua Fria River and this week I have found a truck buried up to the axles in sand dumping trash in the river bottom. He was cited for several offenses. Then just three days ago, a car parked near Another Garage turned out to be stolen from the Avondale area.

Councilmember Johnson

- It appears that this week we have a very full agenda. I would like to propose that in the future that we have more items on the Consent Agenda.
- On May 18th at 5:30 p.m. at Uribe Park Agua Fria Ranch HOA is hosting an open house and Movie in the Park. The movie being shown is "Wreck it Ralph". There will be food vendors as well.

Councilmember Chittenden

- We will be having a Dog Park Meeting this Saturday, May 4th at 10:00 a.m. at the Methodist Church and I don't think that we need more items on the Consent Agenda.

Councilmember Mello

- There is a CDAC meeting next Wednesday, May 7th. There are two towns asking for amendments to their plans. They are proposing to keep the extra money from their projects. I feel that this violates CDAC policy. I will represent the Town as Councilmember Chittenden cannot make the meeting.

B. Communications from Staff: Town Manager's Report, Maricopa County Sheriff's Office (MCSO) and Sun City Fire Department Report.

Town Manager Robinson

- On May 11th from 9:00 a.m. to 11:00 a.m. is the Mayor's Town Hall Meeting in the Clubhouse.
- One June 6th is the meeting for the Agua Fria Ranch CFD and the SLIDs. Residents will be invited for a discussion with Council and staff.

Finance Manager Sypniewski

- I just wanted to give a brief update on Arizona Metropolitan Trust (AzMT). Claims are under budget and revenues are over budget; which means that they have a \$1.9 million surplus.
- On June 5th at 8:30 a.m. in the Clubhouse representatives from AzMT will be here to discuss open enrollment and answer any questions that their members may have regarding coverage and benefits.

Economic Developer Manager Cooper

- We have a couple of new storefront businesses; very excited about that.
- We hope to launch the new website on May 17th.
- Kopyy's awning has not been installed yet, but the awning in back of the Arizona Café is up. They claim that it has dropped the temperature by ten degrees after installation.

Library Manager Speed

- The Library has been a little slow with the winter visitors leaving.
- The Summer Reading Program begins on May 20th. Should be a successful program this year. We have lots of incentives to give out.

Public Works Manager Mosbrucker

- We have treated Maricopa Lake and it looks fantastic.
- The Street Resurfacing and Landscaping RFP's were successful.

Public Safety Manager Kessler

- This is our 4th Annual Hydration Program sponsored by the Salvation Army. They have donated water for us to give to distribute to anyone within the Town limits that appears thirsty.

Deputy Town Clerk Anderson

- The new program for AzMT members for the month of May is the "Hydration Challenge". You must try to drink in ounces half of your body weight per day. Each participant will receive a free water bottle.
- The Youngtown Staff/Council Chili Cook-Off is Friday, May 10th in the Clubhouse from 11:00 a.m. to 1:00 a.m. Mrs. Anderson invited all the staff and Council to participate.

Maricopa County Sheriff's Office (MCSO) Police Report (report attached)

Lt. Ken Booker

- Observed a total of 309 situations requiring intervention or response. Out of these 124 were deputy-initiated on-view activity and 185 were citizen requests for service. I need to say that we would like Youngtown to be crime free; there were only 2 reports of violent crimes. There were 13 property crimes committed. Crimes against persons were 3; public disorder crimes were 17; drug & alcohol crimes were 8; white collar crimes were 1; there were 5 arrests in-custody made and 19 cite and release made. Total traffic citations were 31.
- I would like to add to the report that there were 13 man hours completed from the Posse at no cost to the Town.
- The eight crimes against property - stolen vehicles were at Circle K and the other half in the southwest quadrant of the Town. SCAT will work in this area to try and catch them.
- SCAT will also be working in bringing the six criminal damages reports down to zero.
- MCSO has a zero tolerance for drug use and drug dealers.
- This time last year the traffic violation was 109 and this report they were down to 38.

5. Consent Agenda:

- Approval of Meeting Minutes: Regular Meeting Minutes April 18, 2013.**
- Consideration and Action Re: Appointing Councilmember Dorena Mello as Representative and Councilmember Chittenden as Alternate Representative to the Maricopa County Community Development Advisory Committee (CDAC) for one year term July 1, 2013 to June 30, 2014.**

Motion to approve Consent Agenda – Councilmember Mello

Second – Vice Mayor Duran

Motion passed on a voice vote

6. Business

- Presentation Re: Formation of a Youngtown Village Art Commission at no cost to the Town - Dr. Zachary Smith. Economic Development Manager Cooper**

- I would like to introduce Dr. Zachary Smith, PhD., who will speak to you about the formation of an Arts Commission in Youngtown.

Dr. Smith

- Communities who do not have funding of public art would like to have public art. I would like to assist in forming a Public Art Commission in Youngtown. The Commission would meet every month to discuss ways of bringing public art to the Town.

Jessica DeShazo

- Public art helps to stabilize property values. The Commission is at no cost to the Town and is a volunteer program.

Dr. Smith

- Ways in which public art may fit in the Town would be murals painted on the side of buildings. You see this in downtown Phoenix. People will come to communities just to view the murals, paintings, sculptures, etc.
- Smaller towns do not have the funding or they do not tax for public art.
- The Commission would find the artists and art and would bring them to the Council for approval prior to commissioning the artist or any art project.
- Public art gives a town or city an identification, increases property value and benefits the Town.
- Public art could generate tourism. People in other towns and cities have art tours; such as First Friday's. Why couldn't we have that here in Youngtown?

Town Manager Robinson

- Would they paint water tanks?

Councilmember Chittenden

- I have a horse sculpture that I could donate.

Councilmember Mello

- I think that an art commission is a great idea.

Town Manager Robinson

- A meeting for a call to the public seeking their interest will be held on June 15th at 9:00 a.m. at the Clubhouse. We will need to advertise in the Village Reporter.

Economic Development Manager Cooper

- We can make and print flyers at zero to a minimal cost to the Town.

Councilmember Johnson

- We can post the flyers at the Agua Fria Ranch mailbox bulletin boards.

Dr. Smith

- Typically we would like to have a Councilmember to serve on the Commission. The water tanks are an idea that the arts commission might consider.

Motion to approve formation of a Youngtown Village Art Commission at no cost to the Town. – Councilmember Mello

Second – Vice Mayor Duran

Motion passed on a voice vote

B. Discussion and/or Action Re: Easement Agreement of Town Property with Youngtown Key LLC regarding authorization for a fence on property located at 12030 N. 113th Avenue.

Town Manager Robinson

- This is a follow-up to the Board of Adjustment meeting.

Community Development Arrington

- The easement deals with the encroachment on the Town property. A permit has been issued, but no work will commence until Monday, May 6th.

Mayor LeVault

- The permit was issued so that the work on the fence could move forward.

Councilmember Gustafson

- Will the fence on 113th Avenue be taken down?

Community Development Arrington

- The fence will have to have a setback of nine feet from the curb. The wall will be taken down five feet back from the sidewalk.

Councilmember Chittenden

- Councilmember Johnson and I met with the Town Manager to discuss the dog park. All of our concerns were addressed.

Motion to approve easement of Town property with Youngtown Key, LLC regarding authorization for a fence on property located at 12030 N. 113th Avenue – Councilmember Johnson

Second – Vice Mayor Duran

Motion passed on a voice vote

E. Discussion and/or Action Re: Approval of the retention of the Squire Sanders Law Firm for legal services regarding the sand and gravel operation in the Agua Fria River.

Town Attorney Schwab

- If we table this it will give us an opportunity to look at the contract closer. It will also need to have the approval of the Agua Fria Ranch HOA's attorney as well.

Mayor LeVault

- There will be no unauthorized work done until contract signed.

Motion to approve retention of Squire Sanders Law Firm for legal services regarding the sand and gravel operation in the Agua Fria River. – Councilmember Mello

Second – Councilmember Gustafson

Motion passed on a voice vote

- H. Discussion and/or Action Re: Approval of Resolution 13-10, adopting the proposed annual statements and estimates of the expenses of the Agua Fria Ranch Street Lighting Improvement District for fiscal year 2013-2014, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district, pursuant to Section 48-616, Arizona Revised Statutes, as amended; and setting a date for public hearing on said statements and estimates.

Town Manager Robinson

- This is nothing new, we do this every year. We have two SLIDs; the Agua Fria Ranch SLID and the North Youngtown SLID. The SLIDs are set up differently and calculated differently.
- The Agua Fria Ranch SLID formula is based on valuation and the valuation did go down but there was an increase due to the cost of electricity. There is also a 5% administrative fee.

Mayor LeVault

- With the packet that had the comparison of the four homes you also have a comparison of last year and next year's SLID costs. So there is a little bit of an increase in this year's AFR SLID.

Town Manager Robinson

- The formula is based on numbers that we get from the County. It is based on nothing but electricity use and not for street lights additions. Agua Fria Ranch has the newer and more updated street lights and North Youngtown has the older street lights.
- The AFR SLID is based on the same formula each year and hopefully will stabilize in the coming years.

Mayor LeVault

- All we are being asked to do tonight is to approve the resolution which adopts the statements and estimates of the expenses of the District's and setting a public hearing date.

Councilmember Johnson

- I am just wondering how come the North Youngtown SLID has only two Council Member parcels listed on the spreadsheet. Councilmember Gustafson's home is not listed.

Town Manager Robinson

- We apologize for the oversight and will add her home to the list.
- We are asking for the approval of Resolution 13-10. Also, the SLIDs are in two separate restricted funds.

Mayor LeVault

- When APS makes a rate change is it part of the same bundle that they have to go through the Arizona Corporation Commission?

Town Attorney Schwab

- Yes

Mayor LeVault

- This means that they cannot arbitrarily increase the rates and charge us more in the middle of the year.

Town Attorney Schwab

- Yes, commercial and residential rates are regulated.

Motion to approve Resolution 13-10, adopting the proposed annual statements and estimates of the expenses of the Agua Fria Ranch Street Lighting Improvement District for fiscal year 2013-2014, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district, pursuant to Section 48-616, Arizona Revised Statutes, as amended; and setting a date for public hearing on said statements and estimates. – Councilmember Chittenden

Second – Councilmember Mello

Motion passed on a voice vote

- I. Discussion and/or Action Re: Approval of Resolution 13-13, adopting the proposed annual statements and estimates of the expenses of the North Youngtown Street Lighting Improvement District for fiscal year 2013-2014, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district, pursuant to Section 48-616, Arizona Revised Statutes, as amended; and setting a date for public hearing on said statements and estimates.

Mayor LeVault

- The calculation of the North Youngtown SLID is different from the Agua Fria Ranch SLID. Is it more of a pro-rata?

Town Attorney Schwab

- Yes, it is a pro-rata.

Councilmember Johnson

- So when we make a motion should we state an ad-valorem tax? I was just asking because it says it in the agenda.

Town Attorney Schwab

- It is correct on the Resolution and it is not ad-valorem tax.

Town Manager Robinson

- We are very grateful for this amount of money that comes in because it really helps out the Town's budget.
- The Finance Manager and Town Treasurer go back and take expenses from the current year and make estimates for the upcoming year.

Councilmember Chittenden

- How do they break it down?

Town Manager Robinson

- The North Youngtown SLID is very easy to track. It is based on parcels and not valuations.

Mayor LeVault

- The rates in the North Youngtown District are actually going down this year.

Finance Manager Sypniewski

- Yes, that is correct. The \$50.43 is an annual charge per parcel.

Councilmember Chittenden

- That is well worth keeping our street lights on. I appreciate the lights when I am out walking the dogs at night.

Mayor LeVault

- There are cities and towns back east that literally have had to turn the street lights completely off because they can't afford to pay for them. It all comes down to that old adage about government vs. tax payers. I'm not a tax and spend guy and I hate to make any kind of levy on the citizens, but the government has to have enough money to run and provide services. Next to police and fire I don't think that there is a more important service than keeping our neighborhoods lit. It really is a public safety issue.

Motion to Approve Resolution 13-13, adopting the statements and estimates of expenses of the North Youngtown Street Lighting Improvement District for Fiscal Year 2013-2014, pursuant to section 48-616, Arizona Revised Statutes, as amended; setting a time and date for a public hearing on the statement and estimates as approved; and providing for notice of the hearing and publication of the statements and estimates of the expenses of the District which shall be provided for by the levy and collection of an equal apportionment of taxes based on the number and classification of property within the District. – Councilmember Gustafson

Second – Councilmember Chittenden

Motion passed on a voice vote

- F. Discussion and/or Action Re: Award of contract with Southwest Slurry Seal Inc. in the amount of \$140,468.40 for FY 2012-13 Street, Alleyway and Parking Lot Resurfacing Project.

Public Works Manager Mosbrucker

- The maintenance of asphalt is just as important as the street lighting.
- I have applied for a Right of Way permit from Arizona Department of Transportation (ADOT) for the 113th and 111th Avenues that intersect Grand Avenue for the Resurfacing Project. The date for work to begin is June 6th and completed by June 21st.
- The 5 year plan has the provision to resurface the Town's streets. That means that in the 6th year of every 5 year cycle the streets will be resurfaced.
- Cracks that have a 2" or wider crack require a substance called Poly-flex to seal them properly. The Town currently does not have any 2" or wider cracks on the streets.

Mayor LeVault

- Are there any 2" or larger cracks in the Maricopa Lake area?

Public Works Manager Mosbrucker

- I have checked all the streets in the area and there are no cracks that are 2" or wider.

Councilmember Chittenden

- The sprinklers at Sun View Care Center have caused large cracks in our street. Can you go to them and ask them to repair the road?

Public Works Manager Mosbrucker

- I have approached them on this issue.

Councilmember Chittenden

- There are towns and cities asking CDAC for money to repair their streets. Some have not done any repairs for 30 years or more.

Public Works Manager Mosbrucker

- I have included the street and the alleyway in front and behind Sun View in the Resurfacing Project. The Town's streets are in pretty decent shape. If we do not take care of your streets and let them deteriorate the repair or replacement of the sub-base leads to a major expense.

Mayor LeVault

- Deferred maintenance is great if you do it wisely. Once you spend the money from HURF, it is gone. I think that a reasonable amount is a wise use of dollars.

Motion to Approve – Award of contract with Southwest Slurry Seal Inc. in the amount of \$140,468.40 for FY

2012-13 Street, Alleyway and Parking Lot Resurfacing Project. Councilmember Johnson

Second – Councilmember MacKay

Motion passed on a voice vote

- D. Discussion and/or Action Re: Approval of an agreement with W.C. Scoutten for an Economic Feasibility Study in the amount of \$9,600.00 for the Commerce Park Project - Location Bounded by Peoria Ave. to the North, Olive Ave. to the South, Agua Fria Ranch PAD to the West and a County Subdivision to the East; parcels #142-70-007D and #142-70-007C.

Town Manager Robinson

- W.C. Scoutten was the most qualified firm for this project. Staff that will be working on this project will be myself, Grant Anderson, Gayle Cooper and Gregory Arrington. The timeline for the feasibility study will be completed by July 1, 2013.
- If the project is not feasible we will not move forward with the Commerce Park Project and not put more money into it.

Mayor LeVault

- Let's spend the Town's money wisely. I think that it is best to do the feasibility study first.

Town Manager Robinson

- Council will need to work with staff on this project, because I will not be able to follow it through to the end. We have a very capable staff and I have complete trust in their recommendations.

Councilmember MacKay

- What is the feasibility study going to be used for? Could we use the study for a marketing tool?

Economic Development Manager Cooper

- The study will help us to obtain future grants. The problem is that there are no rooftops west of 114th Avenue.

Mayor LeVault

- On page eight of the feasibility study it outlines the CDBG processes.

Councilmember Johnson

- Will it take three to four years for the study?
- I have concerns about the area and what businesses will be coming to that area. On Olive Avenue and El Mirage Roads there is a Burger King on the corner and there are no rooftops anywhere near it. I just don't like to spend \$9,000 on this study and not see any businesses coming in.

Economic Development Manager Cooper

- The area will host light industrial and some retail. The area needs to supply day time employment and industries will make the area more attractive. GPEC says that they believe that the land will work for our purposes.
- The project will be a public/private partnership.

Councilmember Mello

- The real question is will it bring jobs? This is a sound project for answering this.
- The MOU from APS was critical for this feasibility study.

Mayor LeVault

- Youngtown has never done any serious economic development previously. We are running hard and trying to make up for lost time.

Motion to Approve – Approval of an agreement with W.C. Scoutten for an Economic Feasibility Study in the amount of \$9,600.00 for the Commerce Park Project - Location Bounded by Peoria Ave. to the North, Olive Ave. to the South, Agua Fria Ranch PAD to the West and a County Subdivision to the East; parcels #142-70-007D and #142-70-007C. – Vice Mayor Duran
Second – Councilmember Chittenden
Motion passed on a voice vote

G. Discussion and/or Action Re: Award of contract for Landscaping Maintenance Services with ISS Ground Control in the amount of \$36,960. for FY 2013-2014.

Public Works Manager Mosbrucker

- This agreement will expand the existing contract to include irrigation replacement and upkeep. It will save the Town approximately \$34,000 by not replacing one employee in the Public Works Department.
- The position will not be eliminated, but will not be filled after the retirement of an existing Public Works employee.

Councilmember Johnson

- Will you have enough staff to run the department?

Public Works Manager Mosbrucker

- I have done an extensive analysis and we will be well covered in the department. If ISS Ground Control does not work out, we have the option to cancel the contract at any time. If this occurs, we can always go out and hire another Public Works employee to fill the existing position.
- ISS Ground Control is out of Fountain Hills and has good reviews and a great reputation. They currently have contracts with Scottsdale, Avondale, El Mirage and Paradise Valley.
- We can redo the Scope of Work if needed to limit the amount of change orders.

Mayor LeVault

- Will this move improve our irrigation costs?

Public Works Manager Mosbrucker

- We have plans to use probes to test the water saturation in the parks. I believe that this will cut costs as well.

Public Comments:

Dr. Kathryn French

- I would like to compliment the Town Manager and staff on their creative ways to save funds for the Town. There have been issues with the previous company with not mowing the ditch down by Agua Fria Ranch. I would also like to compliment Mr. Mosbrucker in his vision to keep the Town debt free and help develop a budget that actually works.

Motion to Approve – Award of contract for Landscaping Maintenance Services with ISS Ground Control in the amount of \$36,960. for FY 2013-2014. – Councilmember Mello
Second – Councilmember Gustafson
Motion passed on a voice vote

C. Discussion and/or Action Re: Agreement to Furnish Food Service for the Summer Food Service Program Between New Life Center and the Town of Youngtown for minor children.

Town Manager Robinson

- There were two applicants for this food program. I sent each of the applicants a questionnaire and received only one back.
- Julia Aldana is the chef and co-owner of Allabout Catering. This agreement is at no cost to the Town and the designated park for this may be Greer Park for distribution of food. Julia will return \$0.41 from each child's meal served directly to the New Life Center. The New Life Center is a women's and children's abuse center located here in the West Valley.

Julia Aldana

- This is a federally funded program that is very unique. The State of Arizona provides funding for free meals to children ages one to eighteen during the summer months. During the school year, children have access to Title 1 funding for reduced and free meal programs through their schools. When the summer vacation comes along those children no longer have those free meals available and many go hungry throughout the day.
- We will provide children free breakfast and lunch with an activity during the lunch hour only.
- There is zero obligation, expense or liability to the Town for this program.

- This is the fifth year that we have been doing this program. We provide whole fruits and vegetables for each meal. We will come out to Youngtown and pick a site and you can pick the times of service. The program runs seven days a week with Monday through Saturday the most successful.
- We have several sites across the Valley that we provide this program for and service anywhere from 30 to 500 children at each site. We hope to reach 25 sites this summer.
- Allabout Catering will provide the staff for serving the meals and providing the activities. We would like to see a volunteer from the Town for each food service. Allabout Catering will provide all the tables, warmers and refrigerators.
- The children must consume the food on site and will not be allowed to take any food from the site.

Councilmember Chittenden

- Have you contacted Compass Bible Church about this program?

Ms. Aldana

- I have contacted them and they are very interested.
- We plan on marketing this program through flyers, posters, banners and the local newspaper.

Councilmember Mello

- There is a lot of Section 8 housing in Agua Fria Ranch. There are a lot of hungry kids there as well. Would it be possible to include Uribe Park in this program as well?

Ms. Aldana

- There is a possibility for that. I am looking into finding a bus to bring the children up to Greer Park from different areas in the Town. If an adult wants to eat a meal we can provide a meal for a nominal fee of \$3.00. Children ages one to eighteen eat for free.

Councilmember Chittenden

- Greer Park now has a sink and running water.

Councilmember Mello

- This sounds like a wonderful program.

Motion to Approve – Agreement to Furnish Food Service for the Summer Food Service Program between New Life Center and the Town of Youngtown for minor children. – Councilmember Johnson

Second – Councilmember Mello

Motion passed on a voice vote

7. Call for Executive Session

None

8. Citizens Comments/Appearances from the floor:

None

9. Future Agenda & Meetings:

A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

B. Announcement of next Regular Meeting: Thursday, May 16, 2013 7:00 p.m.

Adjournment

Motion to adjourn – Councilmember Mello

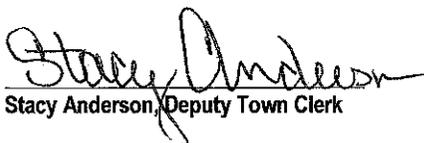
Second – Councilmember Gustafson

Meeting Adjourned at 8:55 p.m.



Michael LeVault, Mayor

Attest:



Stacy Anderson, Deputy Town Clerk

Minutes approved at May 16, 2013 regular meeting.