



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, November 21, 2013, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

Call to Order: Mayor LeVault at 7:00 p.m.

Roll Call Councilmembers present: Mayor Michael LeVault, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Judy Johnson and June Miller. Absent Vice Mayor Jacob Duran
Staff present: Town Manager Jeanne Blackman, Town Attorneys Susan Goodwin and Trish Stuhan, Prosecutor David Ledyard, Magistrate Lex Anderson, Court Administrator Virginia Bermudez, Economic Development Manager Gayle Cooper, Community Development Coordinator Gregory Arrington, Code Enforcement Lupe Romero and Joseph Garnica, Public Works Manager Marty Mosbrucker, Library Manager Heidi Speed, and Town Clerk/Treasurer Diane Cordova.

Pledge of Allegiance and Invocation: Councilmember Chittenden led the Pledge of Allegiance and Councilmember Gustafson 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

- Good to see all the new attempts of events for community engagement. The Farmers Market is now serving two locations, Greer Park and Uribe Park in Agua Fria Ranch. The Agua Fria Ranch Homeowners Association (HOA) Movie in the Park was cancelled due to the strong winds. The Recycle Art Show was a great success. It was a showing of recycled material created into art. There was even modeling of recyclable clothing. We have very talented individuals; Jim Shuh with his Indian Pueblo Community and Betty Trolen's Dragon Fly made with ceiling fan blades. Hopefully we can continue to present more events for children and families.
- I attended a GPEC Greater Phoenix Economic Council meeting. Discussion was economic development for the greater phoenix area. They presented the same power point presentation we presented here to council two months ago; SRI, a nonprofit research institute and innovation center committed to discovery of the application of science and technology. A retool for transforming to innovate the Phoenix economy. They are looking into the entire metropolitan metroplex. The goal is to increase the number of engineers through an education system STEM – Science, Technology, Engineering & Mathematics, an educational coalition. Presently, it is impossible to recruits computer technicians. We've hit the crossroads, the great recession; do we continue to depend on tourism or built an economic prosperity that provides higher wages in the technology field. It was a good decision for Youngtown to join GPEC; they're a great funnel and a good prospect for economic development for Youngtown.

Councilmember Mello

- All members on the CDAC Community Development Advisory Committee received the CDBG Community Development Block Grant calendar with important dates. Applications should be out by December 12, 2013 and are due back January 15, 2014. That is a short timeframe to prepare and have everything ready if we are going to apply for any funding.
- Ursula Strehfens from CDAC has resigned from her position.

Councilmember Chittenden

- The Recycle Art Exhibit was an eye opener for me. There were 50 entries. Jim Shuh and Betty Trolen had good exhibits. The children were well behaved. Do we know who the winners were?
- I am looking forward to the Winter Event.
- Dog Park Committee Meeting December 21, 2013 at the Methodist Church corner of 113th and Alabama
- I want to thank Public Works Manager Marty Mosbrucker and his crew for all the work they did for the Dog Park.

B. Communications from Staff: Town Manager's Report, Maricopa County Sheriff's Office (MCSO) Report.

Town Manager Blackman

- Our Finance Manager Karen Sypniewski is absent due to a family situation. I would like to report on her behalf that monthly financials are completed up through September. The month of October will be out within two weeks (10 days) and then concurrently every month.

- I apologize for having the council books out late. We were fine tuning some language with the attorneys on a few items that required some extensive work.
- Met with Sun City Fire Chief James Haner. We will continue to meet quarterly.
- Had a meeting with APS Arizona Public Service regarding the MOU memorandum of understanding for the development of Youngtown's Commerce Park.
- We have been working on the contracts data base. Stacy Anderson has taken the 240 lines of contracts and has categorized them into their respective departments and we now have a more streamlined document to review and update.
- I've completed a draft of our strategic Planning Session, which has been given to Council. On Monday, November 25, 2013 strategic facilitator Dave Moss will be meeting with all department heads.
- The Town Market in collaboration with Valley View Community Food Bank is setting up in two locations.
- The Recyclable Event was fantastic. The Arts Commission will be conducting another event in February called "The Art of Tangling."
- We are having a Turkey thon. In collaboration with the Food Bank, they will have a truck at the Town complex on Tuesday, Nov.26, 2013 from 10:00 am – Noon to pick up any and all donations from turkeys to any fixings to complete a family meal.
- Attended a MAG Maricopa Association of Government meeting with the Mayor on Transportation.
- Meeting at the Arizona League of Cities and Towns regarding development impact fees. Our Attorney, Susan Goodwin, was in attendance.

Community Development Coordinator Arrington

- I've been participating in the Holiday Event meetings.
- Working on the court renovation with Marty Mosbrucker; we are reviewing proposals for signage to identify the new court building.
- Staff will bring to council a modified pool ordinance by December 19, 2013.
- Meeting with Sun City Fire District SCFD Fire Marshall Jim Fox on the Building Model Codes. We are putting together a checklist on plan review.

Magistrate Lex Anderson

- The office moving date is December 6, 2013; and we are working to make the transition as seamless as possible. Public Works Manager Mosbrucker will be occupying my old office.

Court Administrator Bermudez

- There is an increase on tax intercepts. Tax intercepts allow individuals income tax refunds to be intercepted and collected by the courts for outstanding fines that have not been paid.

Public Works Manager Mosbrucker

- The court remodel is going according to plan. We are well under budget. We did a formal bid process and we are very pleased with the contractor that was awarded the bid, Sunland Plumbing and Construction.
- The holiday decorations are 90% completed.
- I want to thank the public works crew for all their hard work and Code Enforcement Joseph Garnica and Lupe Romero for their cooperation.

Code Enforcement Joseph Garnica

- Code Department continues to clean up the community to enhance a quality of life.
- There are issues like the barking dog issue which is up for discussion on this agenda.

Economic Development Manager Gayle Cooper

- Like to let you know of the types of meeting I've been having and attending. I met with Nancy Shamadan, one of the property owners for the Commerce Park.
- Attended the Surprise Chamber of Commerce Breakfast.
- AAED Arizona Association for Economic Development is hosting an event whereas I am Chair of their Holiday Event for the Ryan House, which is a hospice for children.
- Met with a potential developer on the Commerce Park.
- Attended the GPEC Greater Phoenix Economic Council Director's Meeting.
- Last Friday we held the Mayor's Breakfast. There was a 50% increase of business owners in attendance. Some business owners have been in business here in Youngtown for 25 years.
- I attend the meeting with APS in regards to the Commerce Park.
- I am part of the AAED Arizona Association for Economic Development mixer committee; I will be gathering prizes for their holiday luncheon.
- Working with a business owner that is looking into opening a business in the Youngtown Shopping Center.
- Attended a "Shark Tank" Event which is an entrepreneurs program.
- Attended a Westmarc Meeting.
- As you can see, Youngtown is getting a variety of exposure. Little Youngtown is getting out. I am no longer hearing, "Where is Youngtown?"

Library Manager Speed (report attached)

- Last Friday, Friends of the Library had a meeting with new officers being elected.
- Friends of the Library is having a book/DVD sale through December 2013; it is a two for one sale.
- We had a book club meeting
- Had safety training on how to properly use pepper spray. Public Safety Manager Mike Kessler conducted the training.
- Resident Betty Trolen's Art exhibit from the Recycle Art Show is hanging in the children's section of the library. He is a dragon fly and his name is Fellipe.
- Attended Maricopa County Library District meeting regarding the Summer Reading Program. Discussion was on giving out books at the end of the program instead of prizes.
- Our Library will continue the food drive until the end of the year.
- The employee staff luncheon is schedule for December 13, 2013 at 11:00 a.m.
- AARP President, Arky Muscato, through the Kiwanis Club, donated the hot chocolate for the Winter Holiday Event.

Sun City Fire District (SCFD) Report

Fire Marshal Jim Fox

- I am reporting September 2013 and October 2013 monthly report for Youngtown. There were 72 Emergency Medical Services (EMS) incidents in September and 89 in October. In October there was a report of one fire. The fire was a rubbish fire. A resident lit a dumpster and threw in yard clippings and the fire got out of control. There were 5 service calls in September and 9 service calls in October with a year to date of 869 service calls. On the Fire Prevention side for the month of October there were 23 total inspections and 19 of those inspections were for mercantile & business; the month of September had a total of 45 inspections and 31 were mercantile & business inspections.
- Sun City Fire District (SCFD) has adopted the 2012 ICC International Building Codes. We are still maintaining the 2009 Residential Code. We will be meeting with Gregory Arrington on amendments to Youngtown's Building Codes so as to be in alignment with the same codes.
- The Best Western Remodeling project has completed their final inspections and is compliant.
- Next month in December, SCFD will be revisiting the fee schedule and will be brought forward to the Sun City Fire Board.
- New this month, all annual inspections were completed on an iPad tablet. We are eliminating the paper. All inspection reports will go out via email.

Councilmember Gustafson

- Did the individuals that started the fire get a citation?

Fire Marshal Jim Fox

- When these fire incidents are a one- time incident, they become an educational event. Whenever there is a fire, I receive the call and will then make the determination. It's the false alarm calls that continue to be a known practice for some, that is when a citation with a fine is given.

5. Consent Agenda:

A. Consideration and Action on Regular Meeting Minutes of October 3, 2013 and Regular Meeting of November 7, 2013

Motion to approve regular Meeting Minutes of October 3, 2013 and Regular Meeting Minutes of November 7, 2013 –

Councilmember Johnson

Second – Councilmember Miller

Motion passed unanimously on a voice vote

6. Business

A. Presentation, Discussion and Staff Direction Re: The purchase by Cornerstone Property Services of parcel 200-85-406C 4.9 acres for the proposed expansion of the SW Key – La Hacienda Facility located at 12030 N. 113th Avenue, Youngtown. Economic Development Coordinator Arrington

- Staff is seeking approval from Council relating to the purchase by Cornerstone Property for the proposed expansion of the SW Key – La Hacienda facility. The expansion will create an additional seventy full time positions in our community and expand our employment base. The current zoning restricts the facility to a single parcel requiring combining both parcels and submitting an application for rezoning. The parcel is zoned as a P.A.D. Planned Area Overlay District, thus the rezoning into the current zoning of C-1 requires a planning and zoning hearing. The hearing will come before council for discussion and vote. There are two options: Option 1 is the purchase of 4.9 acres for the expansion of an attached structure to the existing west side of facility for a 25 unit, with 4 beds in each unit, for an increase of 100 occupants. Option 2 includes option 1 plus the additional

purchase of 4.6 acres of property north of the current facility. Staff would like to start the process once ownership has been established. Norman King is present for any questions council may have.

Mayor LeVault

- This will create additional 70 staff members onto the facility?

Economic Development Coordinator Arrington

- Yes, we will work with them on creating a job fair and see if we can get our locate business to do business with them.

Norman King, Cornerstone Property Services

- I am very pleased with the facility and I hope that council is as well.
- We are currently in escrow and hope to be closing the purchase of these properties within the next several weeks. We are looking at purchasing the property west of the current facility to build extra rooms and develop soccer fields. The purchasing of the north property would accommodate parking. We are currently surveying the property and it appears that the county assessor has boundary lines that will need to be corrected.

Councilmember Gustafson

- I see there are vans parked behind the facility on the dirt. Is that the property you are looking into purchasing?

Norman King, Cornerstone Property Services

- Yes, we are currently using the neighbor's property for parking.

Councilmember Chittenden

- You are purchasing the property west of the facility?

Norman King, Cornerstone Property Services

- Yes it is currently in escrow and we should be closing in two to three weeks. We also want to purchase the property north of us. This will allow for fire safety, allowing the fire truck to turn around in there.

Councilmember Chittenden

- You are talking about the property north of the existing wall which belongs to Sun View Care Center?

Councilmember Johnson

- The activity fields will be behind the facility correct?

Councilmember Chittenden

- What about a sign? Will a sign ever go up naming it La Hacienda?

Mayor LeVault

- Some of the north side of the property is being utilized for parking already. The new facilities will be attached on the west end of the facility.
- Parking on the dirt is a PM10 issue.
- You will be purchasing two parcels whether you build or not.
- It is being brought forward for support.
- There will be a planning & zoning hearing.
- This has been a terrific addition to the community of Youngtown. Previous owners were operating illegally.
- This is going to be a lot combine, commercial zoning.

Economic Development Coordinator Arrington

- Yes, property will be rezoned from a P.A.D. to C-1 as per written ordinance.

Mayor LeVault

- So the hope is to expand and increase jobs.
- Staff is seeking council approval to expedite process.

Councilmember Chittenden

- The building that you are going to build, (attached) how will it look? Will it look just like the existing building?

Norman King Cornerstone Property Services

- Yes, we believe that it would look like the existing building.

Economic Development Coordinator Arrington

- Staff is seeking Council's consensus to move forward.

Mayor LeVault

- Council is in agreement to move forward.

B. Discussion and/or Action Re: Relating to Code Enforcement including staffing needs, changes to ordinance and/or procedures, notice requirements and other directives to assist in enforcing Town Code requirements.

Mayor LeVault

- I've requested that there be a discussion for directions on enhancing code enforcement. I've asked staff, code enforcement, the Town Magistrate Lex Anderson, and the Town's Prosecutor Dave Ledyard to be part of discussion. We want to maintain the aesthetics of our community going forward. There was an article in the newspaper regarding rental properties. The percentage of rentals rising up to 40% plus. It mentioned El Mirage, Peoria, & Glendale, and Youngtown was not included in the article. It behooves us to provide the team with

aggressive tools for them to continue to do a good job. We need to get ahead of the curve; if we don't do anything, things will deteriorate. Residents are complaining about renters; code violations; barking dogs; weeds. In the last two months, I've received more calls regarding code enforcement than what I had previously, in my time as Mayor. That is why I am bringing this forward.

- What are some of the legal measure we can take? Shorten time of compliance? Increase fees? Use of technology? At a Maricopa Association Government (MAG) meeting, the enforcement at the City of Tempe are using iPads, take and document pictures on the spot; record docket number; reduces time on closing a file; bring issues to a resolution. We are still doing this the old fashion way. Technology may be part of the answer; it is GPS driven. It may be an aggressive way of finding which rental properties are or are not registrater with the Maricopa County Assessor office. We have a 2% rental tax and probably a dozen or more are not paying rental tax.

Councilmember Johnson

- Did the Mayor of Tempe give the number of parcels that can be collected on an iPhone? Youngtown is 1.5 square miles of a Town. I think technology would speed up the process.

Code Enforcement Lupe Romero

- We currently have software that streamlines the process, it is called Citizen Serve. However without the technology out in the field, we come back to our offices to document cases, which consumes 50 % of our time. With Citizen Serve and technology out in the field we can take photos, search to see if the homeowner has taken out a building permit; and search if any violations have been issued on a resident's address. Many cities are allowing for employees to bring their own devices and reimburse employees for usage.

Councilmember Miller

- Do we need more staff members in the code department?
- President of the Agua Fria Ranch Homeowners Association (HOA), Kathryn French is seeking combining the HOA code and Youngtown code.

Mayor LeVault

- Technology is just one dimension; there are fines to consider; shortening due process; more staff.

Councilmember Miller

- It would be financially better for the town to purchase technology instead of hiring more staff.
- How much does the court bring in fines?

Mayor LeVault

- If we can get a steady stream of collected rental tax, we should collect up to a hundred thousand a year. We actually have a Tax Auditor Al Holler that investigates the residential rental tax and commercial property tax.

Councilmember Johnson

- I know that this is a process, but I thought we adopted and are following the International Property Maintenance Code (IPMC) to shorten the process.

Code Enforcement Lupe Romero

- Yes we do follow the International Property Maintenance Code; however there is a courtesy violation of 7 days given to bring into compliance, if not a final notice is given for another 15 days. Some individuals will comply while others, renters, move out and leave everything behind.

Councilmember Miller

- What happens when the citation goes to court? Is there an increase in fines if they don't comply? Is there a daily penalty after the 15 days?

Magistrate Lex Anderson

- We see few repeat offenders in court.
- A lien on the property may be an answer.
- The ongoing problems will be the 40% of rentals. Perhaps getting a list of all the renters and inform and educate those on the importance of code enforcement will assist in bringing more compliance.

Mayor LeVault

- Aren't we doing that already?

Code Enforcement Lupe Romero

- A 7 day courtesy notice is given to the renter, if a final is issued; notification goes to the property owner.
- The Mountain View Apartments, a violation is given just about every day. In this situation, no more violation notification, a citation needs to be given to the property owners of these apartments.
- It's the landlords that need to be educated.
- The City of Surprise has a Rental Accountability Ordinance.
- Maybe we could require landlords to gather certain information about prospective renters before renting.

Magistrate Lex Anderson

- We cannot do that.

Mayor LeVault

- We need to be as aggressive as the law allows.
- Let's get direction from the team and bring back ideas to take action on.

Magistrate Lex Anderson

- The judicial branch cannot tell the legislative branch what to do.

Prosecutor Dave Ledyard

- We are talking about two different due processes; a citation is a 30 day due process.
- Town code prevents what Town Councils wants done.

Mayor LeVault

- Town code can be amended.

Magistrate Lex Anderson

- On a 30 day due process, whether civil or criminal violation, they plea guilty or not guilty, responsible or not. Then a pre-trial is set, that's another 30 days where they are allowed to enter a plea. Then set for trial, depending on the court calendar and the court system which now it's out 60 to 90 days. Usually for a normal average person, a violation for weeds is given with 80% compliance. The other 20% thumb their nose at town code. They'll get a civil offense and pay the \$50.00 fine and move on. Others for example R.V. parking, they'll draw out the process to 90 days, then pay the fine because it's cheaper than paying for R.V. storage parking.
- When we get someone in court, on our first discussion with them, we get a feel about them. Some are elderly and need extra time, help and have no money to load up a truck and take items to the landfill.
- Junk Cars are another issue; they can be sold.

Mayor LeVault

- I going to hand that notice of abatement to our Town Attorney Susan Goodwin.

Town Attorney Goodwin

- It is provided in the Town Code under Title 9 Chapter 8.32.100 Nuisances Abatement procedures.
- Placing a lien on property is a process; you'll need discussion with your code enforcement department.

Town Manager Blackman

- The Town Code is in need of a makeover.
- Technology has been in discussion with staff.
- We have been meeting with AFR HOA on code enforcement.
- Mountain View Apartments need an aggressive approach.
- I agree on educating and communicating through the Village Reporter

Economic Development Manager Cooper

- When someone is renting a property, can we be notified through the utility companies?

Mayor LeVault

- Can a utility like APS send the town a report of renters?

Town Manager Blackman

- No that cannot be done through utility companies. We are working on the bulk trash pickup and what the cost would be quarterly.

Magistrate Lex Anderson

- On the animal control issue, making it a class one misdemeanor with a \$50 fine; maybe the prosecutor can recommend fines.

Prosecutor Ledyard

- Prosecutor Jason Eastman is bound to follow the Arizona State Legislature Title 9:9-499 on the removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; remove by city; costs assessed; collection; priority of assessment; definitions. Also Title 22 Municipal Courts Authority.

Councilmember Chittenden

- Maybe we can get staff into looking at shortening the time from an initial contact to a warning. Get something in place that will have more teeth.

Councilmember Mello

- In the meantime, work with Park-n-Sons.

Code Enforcement Garnica

- Town Code states that only a standard container is needed, not trash removal service. Some individuals bag their trash and throw it onto a trailer until trailer is full and then take it to the landfill.

Councilmember Johnson

- So the trash is not getting disposed of in a proper manner?

Councilmember Miller

- Or it's being bagged and placed in my trash container.
- Why can't we amend town code? Trash is not being properly disposed of, and may be tossed onto a trailer for who knows how long.

Councilmember Mello

- We cannot change town code to force them to have trash removal services, this would form a monopoly.

Mayor LeVault

- We need to review our Town Code. Can staff research and bring back recommendation regarding: property management, code on animal ownership, consequences of non-compliance, the utilization of technology for our code enforcement personnel, report from AI Holler on rental tax revenue, and the citizen serve software.

7. Call for Executive Session

None

8. Citizens Comments/Appearances from the floor:

Jim Trolen Resident

- I have two things to speak about: 1. The rental tax revenue – has there been an audit to see if landlords are reporting their rental income and if they are, are they reporting the right amount? 2. We need some code consistency on whom to call on a barking dog violation. Do we call Town Code Enforcement and/or is MCSO supposed to be called? I finally got some results when I called Public Safety Manager Mike Kessler. Action was taken and I commend Mike Kessler for the results. Let's leave MCSO out of it completely. Tighten up ordinance and only allow two dogs not four.

Kathryn French, Agua Fria Ranch Homeowners Association President

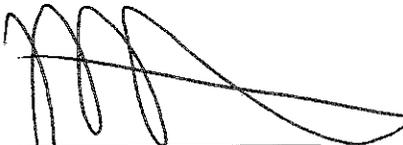
- I would like to see us work at a P.A.D. Agreement with the HOA CCR's and Town Code.
- With rental property at 40%, the Town needs an abatement process; Town Code needs to have teeth.
- There is a problem with dog feces being left behind. Dog owners are not picking up after their dogs.
- I've passed out "Show your Spirit" wristbands. A viable way to engage community pride.

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, December 5, 2013 7:00 p.m.

Adjournment

Motion to adjourn – Councilmember Mello
Second – Councilmember Johnson
Meeting Adjourned 9:21 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk/Treasurer

Minutes approved at December 19, 2013 regular meeting.