



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, February 20, 2014, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

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

Roll Call Councilmembers present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Judy Johnson and June Miller.
Staff present: Community Development Coordinator Gregory Arrington, Town Attorney Kelly Schwab, Economic Development Manager Gayle Cooper, Public Safety Manager Mike Kessler, Public Works Manager Marty Mosbrucker, Library Manager Heidi Speed, Town Clerk/Treasurer Diane Cordova.

Pledge of Allegiance and Invocation: Vice Mayor Duran led the Pledge of Allegiance and Councilmember Mello 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

- Town Manager Jeanne Blackman was awarded the Farnsworth Award at the Surprise Regional Chamber of Commerce Legacy Awards for Business Excellence. She will not be present tonight; she has not been feeling well.
- There will be a Small Area Transportation Study Session here in the Council Chambers Saturday, February 22, 2014 at 12:00 p.m. to 2:00 p.m. Maricopa County Association of Governments (MAG) is working with Youngtown on integrating a transportation plan that includes a bus route and a bike/ped route. Both are improvements for Youngtown.
- AARP President, Arky Muscato held a very successful Health and Pet Fair on Saturday, February 22, 2014. I would have to say that there were about 1000 attendees.

Councilmember Miller

- I would like to offer my congratulations to Charlotte and Ed Johnson, Youngtown Citizens of the Year and also to Jeanne Blackman for the award she received at the Surprise Chamber Luncheon.
- Thank you, Jim Fox, SCFD Sun City Fire District Fire Marshal on rescuing me and my husband. We were locked out of our house.

Councilmember Chittenden

- The Surprise Regional Chamber of Commerce Legacy Awards Luncheon was great.
- I also want to congratulate Charlotte and Ed Johnson for being the Citizens of the Year. I so appreciate you two always attending the council meetings.
- The AARP Health and Pet Fair on February 15, 2014 was well attended.
- There will be a Dog Park Committee meeting on Saturday, February 22, 2014.
- I want to thank Koppy's Body Shop for the donation of two benches placed in the Dog Park.

Councilmember Mello

- It is so nice to look out into the audience and see Charlotte and Ed Johnson's smiling faces, what a blessing.
- We have pulled the CDBG grant application for Youngtown Shopping Plaza. We will have to review the approach that the City of Goodyear utilized.

Councilmember Johnson

- I want to thank Patrick King for, as we called it, "tripping the lights". He did a fantastic job of identifying street light outages. We found a total of 29 street lights out; 9 of those were in Agua Fria Ranch subdivision. I want to thank Ed Johnson for his persistence in reporting to council about these street light outages. We see what you mean on Illinois Avenue; it is a dark street and is in need of illumination.

B. Communications from Staff: Town Manager's Report

Community Development Coordinator Arrington (reporting on behalf of Town Manager)

- Finance Manager Karen Sypniewski will not be present tonight.

- She attended the Mayor's Town Hall. There were 60 residents that attended. Topic was on law enforcement and discussion on starting a Block Watch program.
- She attended a MAG Maricopa Association of Government meeting.
- She participated in the distribution of door hangers for the Small Area Transportation Meeting to be held this Saturday, February 22, 2014 from 12:00 p.m. to 12:00 p.m.
- She is working on the FY 2014-15 budget

Community Development Coordinator Arrington

- Participated in passing out flyers for the Small Area Transportation Meeting.
- We have completed three Citizens' Academy sessions. The fourth one will be next week, Monday, February 24, 2014 at 6:30 p.m.
- The Sun View Care Center exterior remodeling is coming along.

Economic Development Manager Cooper

- I attended the Urban Land Institute.
- Our grant application was withdrawn.

Public Safety Manager Kessler

- We had a meeting with Maricopa County Adult Probation Department – Community Restitution Program, Denise Gray. Adult probationers come out and clean residential properties every first and third Sunday of the month. There will now be a mandatory waiver liability form that will be completed on every property that is being occupied with probationers. Property owners agree to hold harmless the Adult Probation Department, volunteers, and staff against any and all claims, losses, liability, cost, or expenses arising out of bodily injury to any person and/or property damage.

Councilmember Chittenden

- Can you please clarify number 4 on the waiver; the non-use of alcohol or any illegal substance on the day of the project?

Town Attorney Schwab

- We have reviewed the wavier and will look into cleaning up the language on number 4.

Public Works Manager Mosbrucker

- We are in our budget process.
- It's that time for weeds; we are in weed control mode.

Library Manager Speed

- We have started our traveling library to Discover U. We are serving first through sixth grades.
- There is a Book Club meeting at 10 a.m. tomorrow, Friday, February 21, 2014.
- There is an ongoing book sale for the entire month of February; \$2.00 for a bag of books.
- Congratulations to Charlotte and Ed Johnson. They are volunteers for our library.
- This Saturday, February 22, 2014 the Community Fund will be having a yard sale from 8:00 a.m. to 4:00 p.m. located on Nevada Avenue.

Town Clerk Cordova

- I would like to report that out of the 12 Candidate Informational Election Packets, 9 candidate election packets have been pulled which includes present councilmembers up for re-election.

**5. Citizens Comments/Apearances from the floor:
None**

6. Consent Agenda:

A. Approval of Minutes: Regular Meeting Minutes of February 6, 2014.

Councilmember Mello made a motion to approve the regular meeting minutes of February 6, 2014 with a correction on a statement; correcting it to say that Councilmember Johnson and her husband are part of the Community Garden. –

Councilmember Johnson

Second Councilmember Mello

Motion passed unanimously on a voice call.

7. Business

A. Discussion and/or Action Re: Sun City Fire District (SCFD) Report. (report attached)

Fire Marshal Fox

- I am here to report the January, 2014 SCFD monthly report. In January there was 1 fire to report. It was not a serious fire. It was a residential cooking fire. I would have to say that there were two battalion Chiefs that showed up, one from the City of Peoria and one from Sun City; a fire engine from El Mirage, two fire engines from Sun City and two ladder trucks. There were 98 rescue & EMS incidents to report; 1 hazardous condition; 9 service calls; 3 good intent calls and 3 false alarm false calls for a total of 115 incidents to report. Year-to-date last year came in at 98 total incidents.

- On the Fire Prevention side; 1 assembly inspection, 1 residential inspection and 15 mercantile & business inspections for a total of 17 inspections to report.

Councilmember Chittenden

- On the false alarm false calls, does SCFD charge repeated offenders?

Fire Marshal Fox

- SCFD does have a fee ordinance which gives an opportunity to charge on false alarms, if it's truly an intentional false alarm call. On a commercial building, we take the opportunity to assist the owner to repair and approach it as an opportunity to educate not as an opportunity to charge a fine.
- I also would like to take the opportunity to congratulate Charlotte and Ed Johnson.

Councilmember Chittenden

- Can you announce that Chief James Haner has officially retired?

Fire Marshal Fox

- The public announcement has been made; yes, Chief James Haner has retired.

B. Presentation: Recognition of Youngtown Resident Edward and Charlotte Johnson as Citizens of the year.

Mayor LeVault

- It is an honor to present this proclamation to Edward and Charlotte Johnson naming them as the Citizens of the Year for 2014. We nominated them to the Surprise Chamber of Commerce and they were recognized today at the Surprise Legacy Awards Luncheon.

Pat Druehl, Resident of Youngtown

- The Johnsons are our best friends; I am here to honor them tonight!

C. Presentation and Discussion Re: EPCOR Water update on the pending filing with the Arizona Corporation Commission for a water rate increase.

Community Development Coordinator Arrington for Town Manager Blackman

- The community benefit is to enable EPCOR to continue to make necessary capital investments to provide safe, reliable and high-quality water and wastewater services to the Town of Youngtown. The discussion is an update on EPCOR's pending filing of a general rate case with the Arizona Corporation Commission requesting an adjustment to rates for the Sun City Water and Wastewater districts. Shawn Bradford and Jim McKee are present tonight to answer any questions.

Shawn Bradford, Director – Central Division, EPCOR

- Mr. Jim McKee and I are here to answer any questions.

Jim McKee, Senior Vice President of Corporate Services

- EPCOR Water is working on submitting an application to the Arizona Corporation Commission requesting an adjustment, an increase to rates for the Sun City Water and wastewater districts. We plan to file by the end of the month. There has not been an application for adjustment since 2008. The only way that an application can be submitted is when costs have been incurred and we are preparing to pass those costs on to our customers. The process takes anywhere from 12 to 24 months to be heard and for a decision to be made. We, EPCOR communicate to the citizens beforehand; we want you to hear from us not from the newspaper. We have held meetings in Sun City. We service 22,300 customers in Sun City. In the last five years EPCOR has incurred \$7.5 million in infrastructure costs for improvement, which is a 20% increase in cost to EPCOR. The 20% increase to customers would be \$3.00 to \$4.00 a month. If approved, the rate increase would go into effect in spring of 2015. Prior to this, there will be a timeline of hearing dates where Youngtown residents will be able to present arguments for or against the rate increase. We conducted a survey and found that 82% of our customers are saying that EPCOR is doing a good job. Also we found that 70% are very and/or highly satisfied with EPCOR.

Mayor LeVault

- I can recall when Arizona American Water now known as EPCOR submitted an application to the Arizona Corporation Commission requesting an adjustment. Youngtown filed an intervention, not for a rate increase, but because of our fire flow project - which has now been completed. The Arizona American Water application was turned down by the Corporation Commission.
- What has been the response from Sun City residents?

Jim McKee, Senior Vice President of Corporate Services

- We held a meeting in the Community Center on Peoria Avenue and 107th and conducted three sessions; morning, midday and evening meetings. We had 100 attending in the morning with around 50 at the other sessions. Many are very appreciative of the information. They are not up-tight about the water rate increase. Many understand the capital expense.

Mayor LeVault

- It is smart to be straight forward with people.

Jim McKee, Senior vice President of Corporate Services

- The water system infrastructure is very old. The Corporation Commission mechanism is to call the system an improvement betterment charge. The Residential Utility Consumer Office will be involved.

Councilmember Johnson

- In the Sun City Independent Newspaper it states that this request comes even before the third phase of rate increases approved in 2012 kicks in. To be phased in in three parts; the first increase was effective July 1, 2012; the second, July 1, 2013; and the third to go into effect July 1, 2014.

Jim McKee, Senior Vice President of Corporate Services

- The article is incorrect. The application is for the Agua Fria Water District which is Surprise, Far West Valley and Verrado/Buckeye area, not the Sun City District.

Councilmember Miller

- Does the \$3.00 to \$4.00 more a month include sewer and if not will it be \$6.00 to \$8.00 increase? This increase does not sound like a lot, however many are on fixed incomes and all utilities are increasing their rates.

Jim McKee, Senior Vice President of Corporate Services

- At first the increase calculated to \$6.00 to \$8.00, however the increase is strictly for water averages which will be around a \$3.00 to \$4.00 increase. Some customers will see more, others less - depends on water averages. The application will be on our website and it will show the water usage averages.

Councilmember Chittenden

- Will you be having a public meeting in our Town?

Mayor LeVault

- You can use our facility here, the clubhouse.

Jim McKee, Senior Vice President of Corporate Services

- We want to inform and communicate to our customers. We are not governed under any legislative mandate to hold these public meetings. We have held two public meetings in Sun City with an invitation for all to attend.

D. Discussion and/or Action Re: Title 17 Zoning, Chapter 17.64.050 Allowed signs E. Portable Signs (A-frame or sandwich signs) deletion of the termination sunset clause of June 30, 2012.

Community Development Coordinator Arrington

- Staff is recommending removing the sunset clause of June 30, 2012 from the current code allowing portable A-frame signs. The community benefit is to promote the local businesses here in Youngtown that provide many valuable and needed services to our residents. These signs will promote a business-friendly atmosphere, attract new businesses to Youngtown, and provide for a positive economic impact, which enhances the quality of life for Youngtown residents through a thriving business district. The current code is well written to regulate the look of "A-Frame or Sandwich Signs". Staff is only asking for the removal of the sunset clause as these types of signs are some of the most effective, yet inexpensive ways, for businesses to advertise. Staff would like to add that a sign permit will be required with no fee.

Councilmember Mello

- In the City of Phoenix, if an A-frame sign is out, there are no questions asked, it is immediately removed. With allowing A-frame signs, businesses like to place them out on the right-a-ways which is a traffic hazard and dangerous; it obstructs visibility. We're going to see them all out on 111th Avenue and businesses will not be happy that they will be removed.
- I am in agreement with having businesses obtain a permit. We can at this point educate and regulate A-frame signage.

Mayor LeVault

- There will be no charge on the permit?

Community Development Coordinator Arrington

- Staff can provide a package to educate businesses on A-frame signage - making them mindful of the aesthetics. Staff can also come back in a year with a report. This gives the businesses the opportunity without a fee and then perhaps come back with a required permit fee.

Councilmember Chittenden

- Does removing the sunset clause mean that a business needs to bring their signs in at sunset?
- Is placing signs on the easement okay to do?

Community Development Coordinator Arrington

- An easement is a right-of-way and that is not allowable.

Councilmember Mello

- Charging a \$25.00 permit fee will hold a business accountable.

Councilmember Miller

- How far from a business can a sign be placed?
- Placing signs on 111th Avenue directs individuals down the street towards the business.

Councilmember Mello

- Businesses want to place them on the sidewalks, which is a right-a-way. Businesses want their signs to be visible.
- The City of Phoenix and Scottsdale charge a fine to the business if signage is on a right-a-way.

Mayor LeVault

- There is no true commercial district here. Our small businesses don't face the main frontage road. They fight every day for foot traffic to come in. We need to be flexible; however, we cannot have traffic hazards either.

Councilmember Johnson

- We are not City of Phoenix nor Scottsdale; we are "Uniquely Youngtown." If I had a business I would be fighting tooth and nail.
- What about the flaggers that are hired to advertise. Are they allowable?

Councilmember Mello

- There are many different ways to advertise.
- Our sign ordinance is friendly. We just need to keep it balanced. With A-frames, we have an image to protect and make sure the town remains clean-looking. The permit fee process will give us control.

Vice Mayor Duran

- If we are here to assist our businesses, why charge a fee?

Councilmember Johnson

- What about the Home Owner Association signs and the Farmers' Market signs?

Mayor LeVault

- If the signs were illegal then, they are illegal now.
- What if we leave a sunset clause?

Town Attorney Schwab

- Staff is seeking direction so that we may come back with an Ordinance for council approval. Does Council want a permit with or without a fee or does council want to extend the sunset clause?

Town Clerk Cordova

- If Council decides to have a permit with a fee, there is the A.R.S. requirement of 60 day notice. An ordinance may be approved with a permit without a fee with an emergency clause making permitting effective immediately after council approves the ordinance. A permit fee will require a 60-day notice.

Mayor LeVault

- Next Council meeting, bring back an ordinance, without a fee, lifting the sunset clause with an emergency clause.

Councilmember Miller

- Can't we have a work session for further discussion?

Mayor LeVault

- We need quick action; lift the sunset clause, evaluate and report back.

Councilmember Chittenden

- I would like to see a report in six months.
- The permit fee is a good idea, but at a later date.

Councilmember Mello

- Let's get all the mechanics in place. Make the permit a requirement, and then we can revisit the 60-day notice requirement for a permit fee.

Councilmember Chittenden

- What about churches? They are non-profit.

Councilmember Mello

- Churches have to follow the same requirements.

Economic Development Manager Cooper

- I think we should hear from our Code Compliance/Public Safety Manager Kessler, whose department will need to enforce A-frame signage.

Public Safety Manager Kessler

- I agree with Councilmember Mello.

Mayor LeVault

- Let's lift the sunset clause; a permit is required, no fee; write in an emergency clause and let's track the expectation in terms of enforcement.

Councilmember Gustafson

- I think that a permit should be required without a fee. We can bring back a permit fee at a later time.

8. Call for Executive Session

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, February 20, 2014 at 7:00 p.m.

10. Response to Call to the Community:
None

Adjournment

Motion to adjourn: Councilmember Miller
Second – Vice Mayor Duran
Meeting Adjourned 8:26 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk/Treasurer

Minutes approved at March 6, 2014 regular meeting.