



## MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, May 7, 2009, TOWN CLUBHOUSE , 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 7:21 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers, Margaret Chittenden, Dorena Mello, Shirley Oglesby , and Susan MacKay.  
Council Excused: Councilmember Lucille Rethford.  
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Police Chief Kimberly Johnson, Public Works Manager Mark Hannah, Finance Officer Jackie Hoffman, and Town Clerk/Treasurer Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Councilmember Mello. Invocation offered by Pastor Charles Ring .
4. Communications:
  - A. Communications from Council

Mayor LeVault

    - At the Town Hall Meeting last Saturday I talked about the annexing of the older portion of Youngtown, the area that I call "on the Hill" by the Peoria Unified School District. This area is what is called in statute "an unorganized territory " for school purposes not in any school district. More than 400 students attend Peoria Unified School District schools; more than 200 attend Country Meadows Elementary School. When CDC 's are over 150 in a particular District, the District can move to annex without an election. On April 14, the Peoria Unified School District Governing Board notified the County Superintendent that they would like to annex this area of Youngtown We have offered the Clubhouse for the two public hearings to be held to take public comments and answer questions. This situation is residual from the age overlay. PUSD expects to complete the process by late August. Agua Fria Ranch subdivision and 11 parcels north of Peoria Avenue are already in the Dysart School District. Residents on the hill are currently not assessed a school tax or a municipal tax. Aqua Fria Ranch Community Facilities District is a secondary tax. I 'm paying 40 cents per \$100 valuation, while Peoria 's rate is a little less. A person with a \$100,000 home would pay about \$400 to the school district. Homes in the Peoria Unified School District will increase in value by virtue of being in the District.
    - It will probably be a year before the school tax is implemented. There are two programs to assist seniors that meet financial criteria deal with property taxes. The Property Value Protection and the Elderly Assistant Fund for Educational Tax Help. We will have the forms available at Town Hall and place a link on the Town 's website. For the Property Valuation Protection Option, a resident needs to be 65 years old and have owned and lived in their home for two years and meet income requirements.
    - The Council cannot implement a municipal property tax, only the residents can do that. I am generally against new taxes. The Town is not in a position to levy taxes, but citizens must take responsibility for funding their government services.
  - Councilmember Mello
    - The Youth Council had a Water Day at Uribe Park with about 150 children participating. This group is unique to Youngtown.
  - Vice Mayor Duran
    - Last week I had a call from Phoenix Mayor Phil Gordon 's office. They were looking for our Mayor who wasn 't available. They had a prominent Ethiopian official visiting and were looking for an official to meet with him. He came out to my office to visit. He told me he is an Ethiopian Jew who is now in the Israeli Army. I told him it was OK with me if he bombed Iran. Ethiopia is in poverty. My church sends help there. I showed him photos I recently received from Ethiopia. I stand for Israel. I pray for Israel. I think I represented the Town well.
  - Councilmember MacKay
    - The Historic Preservation Committee toured the log cabin which the Historical Society has maintained. Lucille Rethford pointed out the items to be left and what documents and artifacts would be going to the State Archives . The Committee determined that it needs to

come back to Council for direction as to what to do for the future of Youngtown history.  
Councilmember Oglesby

- I am concerned if State takes our Developer Impact Fees, we may need that property tax.

Councilmember Chittenden

- As a member of the Agua Fria DAR I got to visit Cactus and Greenway High School and present ROTC awards. It was good to see young adults achieving so well. I wish they had ROTC classes when I was in school. Glad that Youngtown has a Youth Council where young people can learn about government.

B. Communications from Staff

Town Manager Robinson

- You each have a copy of the Town Manager's Report. I will not read it all, but will give you a few of the highlights. Jim Rumpeltes has been working with the Youngtown Businesses core group of 8 members. The Police Department Manual has been updated and is being reviewed by the Town Attorney. The Police Department's Community PRIDE program is working on Action Steps. Chief Johnson, Diane Cordova and I will be attending the HOA this month to talk about the Community PRIDE Program. Detailing has been completed on the new "posse" police vehicles. Diane Cordova is working with representatives of the Hispanic community to prepare for the Census 2010. Youngtown will be participating in a media campaign with other cities to get the word out that if you receive two census surveys you need to complete them both. The second is especially important to Youngtown. A Rabies Clinic is scheduled for June 27 and is free for the pets of Youngtown residents. Maricopa County Animal Care and Control has recorded 45 animal incidents between July 8, 2008 and March 31, 2009. The Library will be participating in a summer reading program for children from May 26 to July 26. We will be printing the Tentative Budget soon for Council's consideration on June 4<sup>th</sup>.

Town Clerk Goldberg

- As a member of the Scholarship Committee for the Arizona Municipal Clerks Association, I have seen the requests for scholarships to Clerks training opportunities increase as many municipalities cut their budgets. I have copies of the "Clerks Cook Too" cookbook for sale at \$10 each with proceeds going to the AMCA Scholarship fund. Lloyce Robinson, Jackie Hoffman and I contributed recipes to this great recipe collection.

Mark Hannah

- I spoke with Dan Marjanek from Maricopa County Community Development (MCCD) and he informed me that MCCD is receiving an additional \$588,000 and that we would be receiving \$450,000 for our CDBG alley paving project for FY 2009-2010 instead of \$400,000. Our Memorandum of Understanding for this CDBG Project may be available in June instead of July. Also MCCD expects SCTAP money to be available, approximately \$120,000 to \$130,000, and that we have a good chance of getting that money for street repairs.

Finance Officer Hoffman

- As a member of the Historic Preservation Committee I want to stress how extremely important it is to preserve future documents.

Town Attorney Swann

- The Court of Appeals judges who will be hearing the Town's Fire Flow appeal have scheduled oral arguments for June 16 at 11 a.m. in the Court at 17<sup>th</sup> Avenue and Jefferson. Approximately 15% of appeals cases get oral arguments. This is the opportunity for the lawyers to clarify the issues.

Councilmember Chittenden

- The Town recently received donation of a commemorative plate from someone who thought we should keep history in our hands. Jackie would you explain?

Finance Officer Hoffman

I recently took a call from a man who said he had a commemorative plate for the 25<sup>th</sup> anniversary of the Youngtown Community Church hanging on his wall that he had purchased at a yard sale. He and his wife thought the plate should come to Youngtown and he would like to donate it to the Town. I offered to have someone pick it up, but he said that he would bring it to Town Hall.

5. Consent

- A. **Approval of Minutes** : Regular Meeting April 16, 2009, Work Sessions March 24, March 26, April 7, and April 9, 2009.

Motion to approve the Consent Agenda - Councilmember Chittenden  
Second - Councilmember Mello  
Motion passed unanimously on a voice vote.

6. Business

- A. **Discussion and/or Action Re** : Resolution 09-06, adoption of the proposed annual statements and estimates of the expenses of the Agua Fria Ranch Street Lighting Improvement District for fiscal year 2009- 2010, 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 state ments and estimates (ROBINSON).

Town Clerk Goldberg

- Council is asked to approve Resolution 09-06 adoption of the proposed annual statements and estimates for the Agua Fria Ranch Street Lighting Improvement District (SLID) and set a date for a public hearing on the estimates and tax rate for Fiscal Year 2009-2010. Estimates of expenses for the lighting district are based on a projection from actual expenses during the current Fiscal Year and are shown in Exhibit A. Although property valuations have been reduced, the tax rate was only increased one half a cent to 24 cents per \$100 valuation for the ad valorem tax. The public hearing will need to be scheduled for June 4, 2009 to allow for legal advertising and is included in the resolution to be adopted.

Mayor LeVault

- Our effort is to make this tax revenue neutral. Agua Fria Ranch subdivision is the only part of Youngtown that pays a municipal tax. The rest of Youngtown residents are not subsidizing Agua Fria Ranch for the SLID or for the Community Facilities District.

Motion to approve Resolution 09-06, adoption of the proposed annual statements and estimates of the expenses of the Agua Fria Ranch Street Lighting Improvement District for fiscal year 2009 - 2010, 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 state ments and estimates -

Councilmember Chittenden

Second - Vice Mayor Duran

Motion passed unanimously on a voice vote .

- B. **Discussion and/or Action Re:** Distribution of Local Transportation Assistance Funds to Organizations Meeting Criteria in Fiscal Year 2009-10. ( GOLDBERG).

Town Clerk Goldberg

- Council is being asked to decide before the budget is completed whether or not to distribute Local Transportation Assistance Fund Grants to local organizations that meet the criteria. The Town will receive \$28,450 in Fiscal Year 2009-2010 to be used for transportation related projects. However, statute allows distribution of 10% of that amount, \$2,845 to organizations that provide cultural, educational, historical, recreational or scientific programs for Youngtown residents. Last year Council distributed \$2,818 to four organizations - The Youngtown Community Fund, AARP Youngtown Chapter #1, the Youngtown Historical Society, and You Are Special. We established a process last year for application and distribution of funds which would be followed this year's distribution if approved by Council. Funds would be available in November. Groups making application need to show matching funds are available from other sources.

Councilmember Mello

- You Are Special is currently distributing 1000 brochures to inform people about the Youth Council and the other projects conducted by the organization. Their recent Water Day at

Uribe Park was very successful and I expect they will be more successful next year. This is a way that funds go directly to help our youth.

Councilmember Chittenden

- I'm glad to see us supporting AARP Youngtown Chapter #1 and the Youngtown Community Fund. Both groups have done a lot to help the residents of Youngtown.

Councilmember MacKay

- This is a way to give back to citizens and government should give back to citizens and help others.

Councilmember Oglesby

- I know the Community Fund uses the money wisely. With the economy, donations are not coming in as they have in the past.

Motion to approve distribution of Local Transportation Assistance Funds to Organizations Meeting Criteria in Fiscal Year 2009-10 - Councilmember Mello

Second - Councilmember Oglesby

Motion passed unanimously on a roll call vote.

- C. Discussion and/or Action Re: Amending contract with Information Technology Cooperative to include Employer Sanctions clause and approval of rate increase from \$115 per hour to \$125 per hour effective July 1, 2009 (ROBINSON).

Town Manager Robinson

- John Milhoan's IT support has been phenomenal for us since October 2006. He charted the course to connect all buildings at the Town Hall Complex. Thanks to him we have lot more effective computers and phones. Extremely responsive. Increase is reasonable. He is supporting the Town website changes working with the Town Marshal. Mr. Milhoan came to us highly recommended. His clients include the Regional Public Transportation Authority (RPTA).

Chief Johnson

- Mr. Milhoan has helped the Police Department keep its computer equipment functioning and is very responsive. Many times he has been able to resolve our issues by remote access, but when it is necessary to come to the Complex, his response time is expedient.

Councilmember Mello

- Did you do a rate study? In these economic times I'm surprised that a vendor would be requesting a rate increase.

Finance Officer Hoffman

- I'm the staff person that coordinates our requests for IT services. Mr. Milhoan has proved to be knowledgeable and responsive. He is never in a bad mood. I believe he is well worth what we are paying him.

Councilmember Chittenden

- I trust the judgment of our Department Heads. I trust what you are telling me. Some companies do raise rates - Parks & Sons has raised their rates.

Councilmember MacKay

- Before I worked for the Credit Union, I was an Office Manager and we could wait for days for our IT consultant to come and fix a problem.

Motion to approve amending contract with Information Technology Cooperative to include Employer Sanctions clause and approval of rate increase from \$115 per hour to \$125 per hour effective July 1, 2009 - Vice Mayor Duran

Second - Councilmember MacKay

Motion passed 6 votes Yes, 1 vote Present (Mello) on a roll call vote

- D. Discussion and/or Action Re: Approval of contract with Cronstrom Osuch & Company for Town audit for Fiscal Year 2008-2009 in the amount of \$18,000.00 (ROBINSON/HOFFMAN).

Finance Officer Hoffman

- Cronstrom, Osuch & Company has submitted a proposal to do the Town's Audit for Fiscal Year 2008-2009 at a cost of \$18,000 which is a reduction of \$1,500 from last year's agreement. It is not a full Court audit. That is done every three years. We did have notice

this week that they are going to be part of LarsenAllen Accounting firm, but the agreement will remain \$18,000 even under the LarsenAllen umbrella. Last year new accounting standards had to be implemented which could account for the difference in cost. The audit will be performed in October.

Motion to approve contract with Cronstrom Osuch & Company for Town audit for Fiscal Year 2008-2009 in the amount of \$18,000.00 - Councilmember Mello  
Second - Vice Mayor Duran  
Motion passed unanimously on a voice vote.

- E. Discussion and/or Action Re: Approval of amendment to ADA Paratransit Service Agreement between the Town of Youngtown and the Regional Public Transportation Authority (RPTA) for reimbursement for ADA transportation services in an amount not to exceed \$1,413.00 for Fiscal Year 2008-2009 (HANNAH).

Public Works Manager Hannah

- The Regional Public Transportation Authority (RPTA) has an excise tax fund of which 7% of the revenues can be used to reimburse municipalities for ADA eligible passengers. For our transportation program with Maricopa County Special Transportation Services (STS) most of the riders are ADA qualified and these funds can be used for reimbursement for expenses during the current Fiscal Year.

Motion to approve amendment to ADA Paratransit Service Agreement between the Town of Youngtown and the Regional Public Transportation Authority for reimbursement for ADA transportation services in an amount not to exceed \$1,413.00 (RPTA) for Fiscal Year 2008-2009 - Councilmember Chittenden  
Second - Councilmember Mello  
Motion passed unanimously on a voice vote .

- F. Discussion and/or Action Re: Approval of Third Amendment to the Intergovernmental Agreement for the Reciprocal Borrowing Program Fiscal Year 2009-2010 setting the reimbursement rate at \$26.00 per non-resident library card request (LEWIS).

Town Manager Robinson

- Ms. Nancy Lewis is ill and asked to be excused this evening. This is the third amendment to the Intergovernmental Agreement (IGA) for the Reciprocal Borrowing Program for Fiscal Year 2009-2010 at a rate of \$26.00 per library card request. This is a \$3.50 reduction from this year, but we are pleased that they didn't cut the program entirely. The card requests are reported monthly and the reimbursement is paid twice yearly. We encourage any Town employees who are not residents to apply for a library card so we can get the reimbursement fee.

Motion to approve Third Amendment to the Intergovernmental Agreement for the Reciprocal Borrowing Program Fiscal Year 2009-2010 setting the reimbursement rate at \$26.00 per non-resident library card request - Councilmember Mello  
Second - Oglesby  
Motion passed unanimously on a voice vote .

- G. Discussion and/or Action Re: Approval of Memorandum of Understanding (MOU) between Maricopa County and 15 municipalities including the Town of Youngtown for allocation (\$13,800) of 2009 Recovery Act Byrne/JAG Grant Funds , which changes the prior MOU authorized by Council by allocating additional funds to Avondale and less funds to Scottsdale , but not changing the funds for the Town (JOHNSON).

Chief Johnson

- After Council approved the MOU last Council Meeting, Scottsdale decided to return some of its allocation and it was up to all of the participants in the MOU to determine how to divide up the returned funds rather than return it. It was decided to give the funds to

Avondale for the Family Advocacy Center in Goodyear which is funded by Avondale, Goodyear and Buckeye but available for any police department to use its services. The funds will be used for forensics investigations and investigative staff. Surprise uses the Center's services more than those agencies sponsoring it , but Youngtown can use this resource, though we haven 't as yet.

Motion to approve Memorandum of Understanding (MOU) between Maricopa County and 15 municipalities including the Town of Youngtown for allocation (\$13,800) of 2009 Recovery Act Byrne/JAG Grant Funds , which changes the prior MOU authorized by Council by allocating additional funds to Avondale and less funds to Scottsdale, but not changing the funds for the Town - Vice Mayor Duran  
Second - Councilmember MacKay  
Motion passed unanimously on a voice vote .

7. Call for Executive Session  
None needed.

8. Citizens Comments/Appearances from the floor :  
None.

Announcement of next Work Session and Regular Council Meeting: Thursday, May 21, 2009 at 7:00 p.m.  
Adjournment.

Motion to adjourn - Councilmember Chittenden  
Second - Councilmember Oglesby  
Meeting adjourned at 9:56 p.m.

/s/ Michael LeVault \_\_\_\_\_  
Michael LeVault, Mayor

Attest:

/s/ Letty Goldberg \_\_\_\_\_  
Letty Goldberg, Town Clerk

Minutes approved at the May 21, 2009 Regular Meeting.