



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

THURSDAY, April 2, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 8:12 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Councilmembers, Margaret Chittenden, Dorena Mello, and Susan MacKay. Council absent: Vice Mayor Jacob Duran, Councilmembers Lucille Rethford and Shirley Oglesby.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Lt. Duren Robertson, Public Works Manager Mark Hannah, Finance Officer Jackie Hoffman, and Town Clerk Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Councilmember Chittenden. Invocation offered by Pastor Charles Ring.
4. Communications:

A. Communications from Council

Mayor LeVault

- Town Spring event, "Community Cultural Affair" will be Saturday, April 4, at Clubhouse Square, with classic cars, food vendors, and activities for children. We have ordered perfect weather.
- Budget process is continuing. We have already looked at estimated revenues and had a work session examining the proposed budgets for the Police Department, Court and Code Enforcement. We will be examining the proposed budgets for other departments next week. Council is not just exposed to the budget process, it is engaged in the process. We have to know what is in the budget as we have the ultimate responsibility. We intend for the budget to be balanced and on time. The estimated state deficit gets bigger and is now projected to be closer to \$3 billion rather than \$2 billion. Council and staff are being conservative and sensible.

Councilmember Chittenden

- Great meeting with the Department Heads to discuss their budgets.
- I'd like to introduce my friend John Hauser who is visiting from Renton, Washington. We have known each other since 5th grade.
- Staff prepared a gift basket for the Surprise Regional Chamber of Commerce Golf Tournament.

Councilmember Mello

- I participated in the MS ride and I'm now looking for cyclists (including the Mayor) to participate in a future ride to raise funds. It is a two-day event.

Councilmember MacKay

- I'm learning a lot about the budget process. It is enlightening to know how the Town runs.

B. Communications from Staff

Town Manager Robinson

- I have a report from our Tax Auditor Al Holler. \$191,553 has been identified as taxes owed to the Town. \$94,000 has been paid. This is from back taxes from commercial rentals and helps our revenue stream. When Mr. Holler completes commercial rentals he will begin working on residential rentals. The \$2,000 per month that we pay Mr. Holler has been worth the investment.
- Jim Rumpeltes has been hired as a consultant to work with Youngtown businesses to establish a Youngtown business organization. An April 10 meeting has been scheduled with a core group.
- State shared revenues are getting hit and will affect our budget. We need to increase revenue streams while we cut, streamline and restructure Town government.

Public Works Manager Hannah

- We have heard that Mr. Chapman is contracting to repair the shopping center parking lot. They will need an environmental permit. We don't know how much of the property will be paved or if it will extend around to Alabama Avenue. Plans have been submitted and will have to comply with ordinances and ADA requirements for handicapped parking spaces.
- Alley paving contractor is completing a punch list and will be closing our within a week.
- Town Manager Robinson, Town Engineer Grant Anderson and I have been looking at possible economic stimulus projects for the Town to pursue.

- We are waiting to hear the results of our Community Development Block Grant application for alley paving in FY 2009-2010.
- Address painting project is completed. We required 5 mil thickness of paint, standard is 1.5 mil, with glass beads for reflectivity. It has a full year warranty.

5. Consent

- A. **Approval of Minutes:** Regular Meeting March 19, 2009 and Work Session March 19, 2009.

Motion to approve consent agenda – Councilmember Chittenden

Second – Councilmember MacKay

Motion passed unanimously on a voice vote.

6. Business

- A. **Discussion and/or Approval Re: Appointment of Community Development Advisory Committee (CDAC) representative and alternate for July 1, 2009 to June 30, 2010 term (ROBINSON).**

Town Manager Robinson

- I would recommend that Councilmember Oglesby be reappointed to serve as the Youngtown Representative to the Community Development Advisory Committee and Mayor LeVault continue as the Alternate Representative.

Mayor LeVault

- I have watched Councilmember Oglesby blossom as our representative to CDAC. She really went to bat for us in lobbying for our CDBG project grant request. She understands the negotiating process. I recommend that we reappoint her to CDAC.

Motion to approve appointment of Councilmember Shirley Oglesby as representative and Mayor Michael LeVault as alternate representative to the Community Development Advisory Committee for July 1, 2009 to June 30, 2010 term –

Councilmember Mello

Second – Councilmember Chittenden

Motion passed unanimously on a voice vote.

- B. **Discussion and/or Action Re: Acceptance of bid and awarding of contract to Olympic West Fire Protection for the installation of Youngtown Public Works Maintenance Building fire sprinkler and alarm upgrade in the amount of \$17,066 and authority for town manager or public works manager to execute necessary documents (HANNAH).**

Public Works Manager Hannah

- Earlier this year we went out to bid on installation of a fire alarm and fire suppression system for the Public Works Maintenance Building. Six bids were received, however one bid was rejected because it did not meet the bid requirements, bidding only on the fire alarm system and not on the fire suppression system. Olympic West Fire Protection was the low bidder for the project. We have checked out Olympic West and determined that they are capable of fulfilling the contract. Contract is to be completed before the end of the Fiscal Year. Olympic West will have 30 days from Notice to Proceed to complete the project.
- Fire alarm and fire suppression will be monitored by the Sun City Fire Department. It is a silent alarm. The Fire Department does have access to the facility with both access key and touch code for gate.

Motion to accept bid and award contract to Olympic West Fire Protection for the installation of Youngtown Public Works Maintenance Building fire sprinkler and alarm upgrade in the amount of \$17,066 and authority for town manager or public works manager to execute necessary documents - Councilmember Chittenden

Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

- C. **Discussion and/or Approval Re: Approval of a contract with Arizona American Water Company for the installation of the water supply for the above fire sprinkler system in the amount of \$24,112 and authority for town manager or public works manager to execute necessary documents (HANNAH).**

Public Works Manager Hannah

- This contract with Arizona American Water Company for installation of the water supply for the fire suppression system is the other half of the project. Arizona American Water will be the contractor and Apache Pipelines will be the subcontractor for this project. The fire hydrant requested by the Sun City Fire Department is included at no additional cost. This fire hydrant will also serve the neighborhood. Arizona American Water will have 45 days from Notice to Proceed to complete the work. Both projects can be done concurrently.

Motion to approve contract with Arizona American Water Company for the installation of the water supply for the above fire sprinkler system in the amount of \$24,112 and authority for town manager or public works manager to execute necessary documents – Councilmember Mello
Second – Councilmember MacKay
Motion passed unanimously on a roll call vote.

- D. Discussion and/or Action Re: Approval of Ordinance 09-01 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Sections 2.12.010 Officers, 2.12.100 Director of Public Works, and 2.12.120 Authority of the Building Code Inspector/Code Compliance Officer, all related to titles and job duties for, and supervision of, the public works manager, building code inspector/code compliance officer, and the town marshal; providing by repeal of conflicting ordinance; providing for severability; and providing penalties (ROBINSON).

Town Manager Robinson

- In March 2008 Council approved restructuring of personnel. Changes to code in this ordinance are “housekeeping” to note the titles of public works manager and town marshal in Town Code.

Motion to approve Ordinance 09-01 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Sections 2.12.010 Officers, 2.12.100 Director of Public Works, and 2.12.120 Authority of the Building Code Inspector/Code Compliance Officer, all related to titles and job duties for, and supervision of, the public works manager, building code inspector/code compliance officer, and the town marshal; providing by repeal of conflicting ordinance; providing for severability; and providing penalties – Councilmember Chittenden

Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

- E. Discussion and/or Action Re: Acceptance of resignation of Jesse Mendez from Historic Preservation Committee (GOLDBERG).

Town Clerk Goldberg

- Mr. Jesse Mendez called and requested that he be removed from the Historic Preservation Committee. I asked Mr. Mendez to submit a written resignation on two occasions, but a letter has not been received. We are requesting that Council accept Mr. Mendez’s resignation. Staff is seeking a replacement member for the Historic Preservation Committee.

Motion to accept resignation of Jesse Mendez from the Historic Preservation Committee – Councilmember Mello

Second – Councilmember MacKay

Motion passed unanimously with a voice vote.

7. Call for Executive Session

None needed.

8. Citizens Comments/Appearances from the floor:

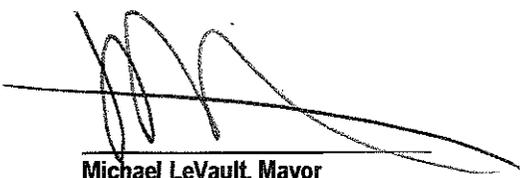
Announcement of next Work Session and Regular Council Meeting: Thursday, April 16, 2009 at 7:00 p.m.

Adjournment.

Motion to adjourn – Councilmember Chittenden

Second – Councilmember Mello

Meeting adjourned at 8:59 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the April 16, 2009 Regular Meeting.

ORDINANCE NO. 09-01

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.12 TOWN OFFICERS GENERALLY, BY AMENDING SECTIONS 2.12.010 OFFICERS, 2.12.100 DIRECTOR OF PUBLIC WORKS, 2.12.110 BUILDING OFFICIAL, AND 2.12.120 AUTHORITY OF THE BUILDING CODE INSPECTOR/CODE COMPLIANCE OFFICER, ALL RELATED TO TITLES AND JOB DUTIES FOR, AND SUPERVISION OF, THE PUBLIC WORKS MANAGER, BUILDING CODE INSPECTOR/CODE COMPLIANCE OFFICER, AND THE TOWN MARSHAL; PROVIDING BY REPEAL OF CONFLICTING ORDINANCE; PROVIDING FOR SEVERABILITY.

WHEREAS, on March 20, 2008 the Town Council approved general personnel restructuring of Town departments; and

WHEREAS, the Town Code currently includes Town Officer titles and job descriptions that have changed as a result of the March 20, 2008 personnel restructuring;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, is hereby amended by amending Sections 2.12.010 Officers, 2.12.100 Director of Public Works, 2.12.110 Building Official, and 2.12.120 Authority of the Building Code Inspector/Code Compliance Officer, to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

CHAPTER 2.12

TOWN OFFICERS GENERALLY

2.12.010 Officers.

A. There are created the offices of the town manager, town clerk, police chief, town engineer, town attorney, town magistrate, building code inspector and code compliance officer, AND PUBLIC WORKS MANAGER. The town manager, town clerk,

town attorney, and town magistrate shall be appointed by the town council, all other officers shall be appointed by the town manager.

B. The manager may appoint and remove from time to time such other officers as ~~it~~ HE may deem necessary and that are not provided for in this code or statute.

C. No mayor or councilmember may hold any of the following positions during the term of their office or within two years after leaving office: town manager, town clerk, police chief, town engineer, town attorney, ~~director of public works~~ MANAGER or any other position in which a salary is paid. Nothing in this section will prevent a former mayor or councilmember from holding an unpaid volunteer position during the aforementioned two-year period.

* * *

2.12.100 ~~Director of Public Works~~ MANAGER.

There is created the office of ~~director of public works~~ MANAGER who shall perform all duties vested in or devolving upon the office by the state statutes, and such other duties as the town manager may deem necessary.

2.12.110 Building official.

The building official, the public works MANAGER ~~director~~, the building code inspector, code compliance officer, TOWN MARSHAL and administrative authority as may be referenced in any section of this code for all matters pertaining to any plumbing, mechanical, electrical or any other inspectors shall be vested in the office of the town manager; provided however, that the town manager may authorize such deputies as needed to perform any inspection work or functions that may be required of this code.

2.12.120 Authority of the building code inspector/code compliance officer.

A. In addition to any duties prescribed by state law, town ordinance or the town manager, the building code inspector/code compliance officer, AND TOWN MARSHAL shall have the authority to issue complaints and serve process for violations of the town code and/or town ordinances. Such authority is not exclusive

but instead concurrent with the authority of the police chief and the police department.

B. The building code inspector/code compliance officer shall be under the direct supervision of the public works MANAGER ~~director and the town manager.~~

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

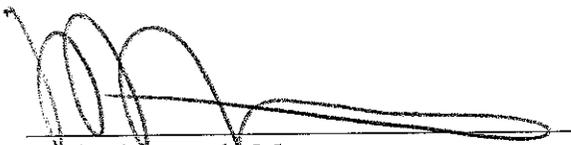
Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 2nd day of April, 2009, by the following vote:

AYES:	<u>4</u>	
NAYES:	<u>0</u>	ABSENT: <u>—</u>
EXCUSED:	<u>3</u>	ABSTAINED: <u>—</u>

APPROVED this 2nd day of April, 2009.



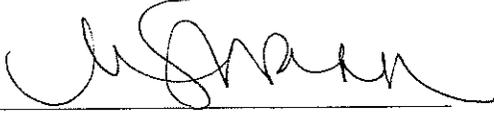
Michael LeVault, Mayor

ATTEST:



Letty Goldberg, Town Clerk

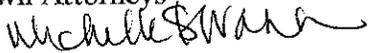
APPROVED AS TO FORM:



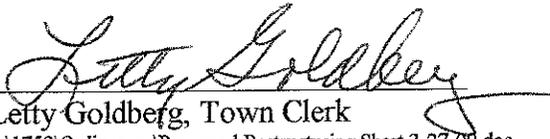
Curtis, Goodwin, Sullivan,

Udall & Schwab, P.L.C.

Town Attorneys

By 

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 09-01 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 2nd DAY OF APRIL, 2009, WAS POSTED IN THREE PLACES ON THE 3rd DAY OF APRIL, 2009.



Letty Goldberg, Town Clerk

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