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

THURSDAY, May 20, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order — Mayor LeVault called the meeting to order at 7:07 p.m.

2. Roll Call — Council present:: Mayor Michael LeVault, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson. Council by Phone: Vice Mayor Jacob Duran.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Chief of Police Terry McDonald, 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 MacKay. Invocation offered by Chaplain Charles Ring.

5. Consent
   A. Approval of Minutes: Minutes of May 6, 2010 Regular Meeting

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

6. Business
   A. Discussion and/or Action Re: Resolution 10-06 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Guideline 390 Nepotism and Personal Relationships to amend the policy relating to the hiring of immediate family members of appointed and elected Town officials as independent contractors, including bidding requirements and Town Council approval of any such independent contractor contract with the Town. (SWANN)

   Town Attorney Swann
   - The Town's Personnel Policy prohibits any family member of Council cannot work for the Town. Two proposed revisions of Guideline 390 have been submitted by Councilmembers. They both state that an immediate family member cannot be an employee but could be an independent contractor if changes are made to the Purchasing code. One version allow the Town Manager to award a contract up to $15,000. A higher amount would have to go to Council. The other version would require a bidding process for professional services which is currently not required in code. The bids would need to be submitted in sealed envelopes and state on the outside if the bidder is related to Council. If any of the bids are from persons related to Council, the group of bids would go to an independent party (the Town Attorney) for processing. The attorneys would give the bids to a qualified party to determine if the bids were appropriate. Three recommended bids would then go to Council for review. If no bidders were related to Council, the bids would stay within Town for processing.

   Councilmember Mello
   - I have a letter that I would like to read into the record. (Letter is attached.)

   Mayor LeVault
   - Council has been dithering will some permutation or other of the policy since February. Voters sent a loud message – Live within our means instead of taxing for more money. The Sun City Fire District and most municipalities follow state statute on nepotism. Here it relates only with independent contractors. Police is very specific. It is a matter of trust in the Town Manager or we need to change an inconsequential issue. This is government run amok to insert artificial layers of bureaucracy. To me nepotism is when someone totally unqualified gets a job because they are related to someone. I've gotten many jobs because I knew someone – it is called networking. But I had to be able to perform in the jobs I got that way.

   Town Manager Robinson
   - I sent Council a memo to cover my thoughts. I am ready to move on. One of the strengths of a small town are the advantages. We can be nimble and quicker.

   Councilmember Johnson
   - New version of Guideline 390 takes employees out of it. It has checks and balances.

Councilmember Chittenden

- On April 1 we discussed behavior that happened a long time ago. We have accountability now. We look frugally where we are going to get help. It is good to think outside our area.

Motion to approve Resolution 10-11 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Guideline 390 Nepotism and Personal Relationships to amend the policy relating to the hiring of immediate family members of appointed and elected Town officials as independent contractors – Mayor LeVault
Second – Councilmember Johnson
Motion passed five "Yes" votes (Vice Mayor Duran (attending by phone), Councilmembers Johnson, Oglesby, Chittenden, Mayor LeVault), two "No" votes (Councilmembers MacKay and Mello) on a roll call vote.

B. Discussion and/or Action Re: Approval of Ordinance 10-13 amending Title 3 Revenue and Finance, Chapter 3.16 Purchasing, Section 3.16.080 Professional Services to require that, where the Town seeks an independent contractor to provide professional services and the proposed independent contractor is an immediate family member of an appointed or elected Town official, then the contract must be let through public bidding regardless of the contract price. (SWANN)

Town Attorney Swann

- This ordinance is to change Town Code regarding professional services to coordinate with the policy change just adopted. It is a "housekeeping" task.

Motion to approve Ordinance 10-13 amending Title 3 Revenue and Finance, Chapter 3.16 Purchasing, Section 3.16.080 Professional Services to require that, where the Town seeks an independent contractor to provide professional services and the proposed independent contractor is an immediate family member of an appointed or elected Town official, then the contract must be let through public bidding regardless of the contract price – Mayor LeVault
Second – Councilmember Johnson
Motion passed with six "Yes" votes (Vice Mayor Duran (attending by phone), Councilmembers Chittenden, Johnson, MacKay, Oglesby, Mayor LeVault) and one "No" vote (Mello) on a roll call vote.

Vice Mayor Duran left the meeting.

C. Discussion and/or Action Re: Approval of Contract with Lex Anderson for Magistrate Services for two years July 1, 2010 through June 30, 2012 at a rate of $1,700 per month. (ROBINSON)
Town Manager Robinson

- Judge Anderson is here to answer any questions regarding the Court that Council may have.

Judge Lex Anderson, Youngtown Magistrate

- I am satisfied with the terms of the contract. Are there any questions for me?

Mayor LeVault

- Town Attorney Swann, does the contract address termination?

Town Attorney Swann

- The contract covers termination if the Court ceases to exist.

Councilmember Oglesby

- The contract is at the same rate of pay as the previous contract.

Councilmember Chittenden

- Judge Anderson, we appreciate your work.

Motion to approve Contract with Lex Anderson for Magistrate Services for two years July 1, 2010 through June 30, 2012 at a rate of $1,700 per month – Councilmember Mello
Second – Councilmember Oglesby
Motion passed unanimously on a voice vote.

D. Discussion and/or Action Re: Approval of amendments to an Inter-Governmental Agreement (IGA) with Maricopa County Animal Care and Control (MCACC) at a cost of $7,276.50 for FY 2010-11 (MCDONALD)

Chief McDonald

- This is an extension of the current contract for FY 2010-11. We will continue our current process. An officer will respond to a call and make as assessment of the situation/contain animal. The officer will then call MCACC with a request. MCACC is available on a 24 hour basis if it is an emergency or vicious dog situation. This process is an effort to save money on service calls. We don't want MCACC called and then arrive to find the dog is not around. The cost of the contract is 5% over last year. I recommend approving the contract extension.

Councilmember Chittenden

- Is the amount we pay based on the number of calls? How many calls did we have last year? Also I'd like to see them do more training and pet clinics

Chief McDonald

- I don't have the statistics. At the moment we are at the mercy of Sheriff's Office dispatch for reports.

Town Manager Robinson

- MCACC and 4 Paws has been offering low cost spay and neuter clinics.

Motion to approve amendments to an Inter-Governmental Agreement (IGA) with Maricopa County Animal Care and Control (MCACC) at a cost of $7,276.50 for FY 2010-11 – Councilmember MacKay
Second – Councilmember Mello
Motion passed unanimously on a voice vote.

E. Discussion and/or Action Re: Approval of Resolution 10-10 authorizing the Town to submit a grant application to the Tohono O'odham Nation in an amount up to $100,000 for a 12% Gaming Distribution Grant to fund an Emergency Operations Center or Mobile Data Terminals (MDTS) in Police vehicles. (HANNAH).

Public Works Manager Hannah

- When the State renewed the gaming compacts with the Tribes in Arizona, the Tribes must donate 12% of profits to municipalities and some nonprofits in the form of grants for certain specified types of activities. The Tohono O'odham Nation recently announced that they were accepting grant applications. Last year we applied for a grant from the Gila River Indian Community (GRIC) for MDTS, but did not receive the grant.
- With your approval I will prepare a grant for an Emergency Operations Center or MDTS in Police vehicles. The Emergency Operations Center would include a large screen TV, telephone software, and emergency operations software. For MDTS we would limit the request to our actual patrol cars – seven. Both of these projects fit in the Public Safety category.
- These would show as revenues and expenditures in the new budget but if we don't receive the funds, we don't get to spend. The request for authorization of up to $100,000 is so that we don't have to come back to Council for another request and possibly miss a deadline.

Chief McDonald

- I want to thank Mark Hannah for putting this grant request together for us. If we had the MDTS in our patrol cars, our officers would be able to select priority 3 calls from the list and clear the backlog. The MDTS would help with criminal record checks in the field.

Public Works Manager Hannah

- I'm a retired Police Officer and I have experience with Public Works so I know what benefits these two projects would bring to Youngtown. Sun City Fire Chief Jim Haner has offered their Emergency Operations Center should we need one. We will hope for both, and be happy if we get one.

Mayor LeVault

- We were happy to get the grant to paint house numbers on curbs. That grant was for $20,000. Can we apply for multiple grants?

Public Works Manager Hannah

- We will watch for them.

Finance Officer Hoffman

- Last year the Town budgeted $80,000 for MDTS for the GRIC grant, which was not approved, in the Police Department budget. It will be necessary to budget for Internet usage for the MDTS at approximately $700/month. Operations & Maintenance (O&M) is not paid by the grant.

Town Clerk Goldberg

- Grant applications are due on June 18, 2010.

Public Works Manager Hannah

- Notification of the grants will occur in September with formal agreements being completed by November.

Mayor LeVault

- We anticipate in the budget that expenses will be tied to revenues. Again, we can't spend what we don't have.

Motion to approve Resolution 10-10 authorizing the Town to submit a grant application to the Tohono O'odham Nation in an amount up to $100,000 for a 12% Gaming Distribution Grant to fund an Emergency Operations Center or Mobile Data Terminals (MDTS) in Police vehicles – Councilmember Chittenden
Second – Councilmember Oglesby
Motion passed unanimously on a voice vote.

F. Discussion and/or Action Re: Approval of Ordinance 10-12 amending Title 17 Zoning, Chapter 17.16 Zoning Districts Enumerated by amending Section 17.16.020 Boundaries on District Map to update the District Map to conform to rezoning ordinances adopted by the Town Council and to provide for the continuous updating of the District Map as zoning changes are adopted; by amending Chapters 17.20 R Rural District, 17.24 R-3 Single-Family Dwelling District, 17.32 R-1 Multiple-Family Dwelling District, 17.36 C1- Commercial District and 17.40 C-2 Commercial District by deleting the maps set forth in said Chapters and replacing said maps with the District Map adopted pursuant to Section 17.16.020. (ROBINSON)
Town Manager Robinson

- I want to thank the efforts of Willdan, Public Works Manager Mark Hannah and Town Clerk/Treasurer Letty Goldberg for achieving this Zoning Map. It is part of our infrastructure. The map is based on zoning ordinances and zoning processes. Ms. Goldberg and her staff researched all of the zoning ordinances back to day one. There is a "Zoning Map" in the Town's General Plan but it is not complete. Now we have a map we can rely on.

Public Works Manager

- This is now our official map. If a property owner thinks their property is zoned otherwise, they will have to show us documentation.

Councilmember Chittenden

- What is the difference between C-1 and C-2 Commercial Districts?

Councilmember Mello

- C-1 acts as a buffer between residential and C-2. C-2 allows all of the businesses types in C-1 and adds other businesses that wouldn't be desirable next to residential districts.

Motion to approve Ordinance 10-12 amending Title 17 Zoning, Chapter 17.16 Zoning Districts Enumerated by amending Section 17.16.020 Boundaries on District Map to update the District Map to conform to rezoning ordinances adopted by the Town Council and to provide for the continuous updating of the District Map as zoning changes are adopted; by amending Chapters 17.20 R Rural District, 17.24 R-3 Single-Family Dwelling District, 17.32 R-1 Multiple-Family Dwelling District, 17.36 C1- Commercial District and 17.40 C-2 Commercial District by deleting the maps set forth in said Chapters and replacing said maps with the District Map adopted pursuant to Section 17.16.020 – Councilmember Johnson
Second – Councilmember Oglesby
Motion passed unanimously on a voice vote.

G. Discussion and/or Action Re: Approval of change orders submitted by Combs Construction Company, Inc. in the amount of $44,209. 69 for the completion of Youngtown Alley Paving Project – Phase II (CDBG Project ARRA0804). (HANNAH)
Public Works Manager Hannah

- This is a paper clearing motion. Alley paving is the actual measurement number of yards completed. Some things were broken and needed to be fixed. Some of the things the construction company wasn't aware of until they were broken. This is a bookkeeping measure to close out this project. CDBG paid for speed limit signs for the alleys. This is a wrap up and the project is done.

Motion to approve change orders submitted by Combs Construction Company, Inc. in the amount of $44,209. 69 for the completion of Youngtown Alley Paving Project – Phase II (CDBG Project ARRA0804 – Councilmember Oglesby
Second – Councilmember Chittenden
Motion passed unanimously on a voice vote.

4. Communications:

A. Communications from Council

Mayor LeVault

- We have a clear indication of what residents want. We heard it loud and clear that in this difficult economic environment they don't want more taxes. We need to contact those who worked against the property tax to find out how to finance the Town services going forward. I propose another work session on the budget for the public to tell us what we should be doing. We can't print or borrow like the federal government. Our budget will be balanced. I don't see a glimmer of light until 2014.
- Council has renewed the Town Manager's contract with no raise in pay. The requested contract had called for a 5% salary increase in the second year of the contract. Council will review the contract next year. For employees there will be no increases – no COLAs, no merit raises. I am angry about the News Sun printing a picture of a Youngtown resident who said she was voting "No" on Proposition 407 because the Council had voted recently to give themselves a pay raise. In 2008 Council voted for a pay increase. That was a different Council. No sitting Council can vote itself a pay raise. Councilmembers have to be elected to a new term to receive any increase. We do the best we can. We are open to public input.

Councilmember Chittenden

- I'm disappointed that those who supported the primary property tax didn't do enough to get it passed. I was under the impression that residents wanted the services. I'd like to hear from people. What do you think we should do? We changed a policy so that employees could be active and they didn't do anything and when offered help turned it down.

Mayor LeVault

- There was a lot of misinformation and partial truths out there. Times are tough. Those that campaigned against the proposition are now invited to enlighten us as to how we pay for services. Proposition 100 (temporary 1% state sales tax) is a band aid. It is a temporary fix at best and the Legislature will continue to sweep funds from municipalities.

Councilmember Oglesby

- I thank the Police Department for the quick response to an emergency they took care of in my neighborhood.

B. Communications from Staff

Town Manager's Report, Sun City Fire District Report, Police Department Report

Town Manager Robinson

- I want to thank Council for your support for the last four years. We work as a team. Things won't be as they were before. Thanks to support from Staff. Thanks to the citizens who listened and voted for the primary property tax. I appreciate their support. Youngtown has the lowest paid staff in the West Valley, but we work harder and smarter. The budget on June 3 will be balanced. We are looking to sustain the Town in the future.

Fire Chief Hank Oleson, Sun City Fire Department

- This is going to be a make or break year and we are concerned about the following year. We had five retirements last year. If they hadn't retired, we'd be looking at hard decisions about staffing.
- You have received copies of our April Report for Incidents in Youngtown (copy of report attached).

Mayor LeVault

- Great job that you are doing in Youngtown. Regarding your budget, misery loves company.

Councilmember Chittenden

- Is the Department still doing its smoke alarms and battery check program? I am sure that some of my neighbors are doing without smoke alarms and need assistance.

Chief Oleson

- Thanks to our volunteers we are still offering that program.

Lt. Robertson

- April was a slow month for the Police Department with no major incidents. We have a new accounting system for our data.

Town Clerk Goldberg

- The Youngtown Library is again hosting a summer reading program from May 17 to July 18, 2010. Children can sign up for the program at the Library. It is a fun program where children earned rewards for the books they read. Please encourage your friends and neighbors to have their children and grandchildren participate.

C. Presentation of Lifesaving Awards for Officers Hennessy and Berthelsen

Chief McDonald

- The Police Department is disappointed with Proposition 407 not passing but we are just as committed. Now some good news. Officer Sean Hennessy and Reserve Officer Aaron Berthelson are honored today. Here with them this evening are Officer Hennessy's wife, Jackie, and Officer Berthelson's wife, Julie, and Officer Berthelson's father-in-law, Jim Robison.

Lt. Robertson

- On January 22, 2010 Officers Hennessy and Berthelsen responded to a call in the Agua Fria River bottom. There was rising water in the Agua Fria River and a woman was stranded in her vehicle in the rising water. The vehicle was caught on something but it was unknown when it might break loose and continue down the river. The officers formed a human chain with officers from other jurisdictions and entered the fast moving waist high water to reach the woman and free her from the vehicle saving her life. Technically, they were out of their jurisdiction, but they responded to the call. Officers Hennessy and Berthelsen are receiving the Life Saving Award.

7. Call for Executive Session

None needed.

8. Citizens Comments/Appearances from the floor:

June Miller, Youngtown Resident

- I was sorely disappointed in the election results. It would have been a different vote if we'd tried a little harder. How many of you knocked on doors. Not one person came or called on the phone. There were so many untruths circulating out there. Even the newspaper had the wrong information. Public Works, Police Department, Town Hall – where were you? Where was the FOP? Firefighters offered to help. I'm a believer in our Police Department. What if employees took unpaid furlough days? FOP did not encourage the Police Officers to participate if they want to stay here, want to keep their jobs. All of your jobs are at stake. We are unique. Don't want County for protection. Want the short response time we have now. It's hard to give that up. Thank you.

Pastor Charles Ring, Chaplain to the Youngtown Police Department

- I bring greetings from former Councilmember Lucille Retheford. I visited her at Hospice today. She says for Council to keep working hard. She is up for prayers and short visits.

Announcement of next Work Session and Regular Meeting: Thursday, June 3, 2010, at 6:00 p.m.

Adjournment.

Motion to adjourn – Councilmember Mello
Second – Councilmember Oglesby
Meeting adjourned at 8:40 p.m.

Michael LeVault, Mayor

Attest:

Letty Goldberg, Town Clerk/Treasurer

Minutes approved at the June 3, 2010 Regular Meeting.

YOUNGTOWN POLICE DEPARTMENT
MONTHLY REPORT
APRIL 2010

CRIME	REPORTED	ARRESTS
HOMICIDE	0	0
ARMED ROBBERY	0	0
SEXUAL ASSAULT	0	0
KIDNAPPING	0	0
SEX CRIMES	0	0
ROBBERY	0	0
BURGLARY'S	2	0
RESIDENTIAL	1	0
COMMERCIAL	1	0
VEHICLE	0	0
THEFT(S)	3	1
DRUG ENFORCEMENT		
SALES	0	0
POSSESSION	6	6
STOLEN VEHICLES	2	0

	REPORTED	ARRESTS
CRIMINAL DAMAGE	4	2
GRAFFITI	2	2
RESIDENTIAL	2	0
VEHICLES	0	0
BUSINESSES	0	
TOWN CODE ENFORCEMENT		
DOGS DISTURBING	13	3
NOISE VIOLATION	0	0
TRESPASSING RIVER BOTTOM	1	
ILLEGAL DUMPING	0	0
TRAFFIC ACCIDENTS		
FATAL	0	0
INJURY	0	0
NON-INJURY	2	0
TRAFFIC RELATED INCIDENTS		
CALLS	10	1
CITATIONS	47	0
DUI	1	1

APRIL 2010 COUNCIL REPORT CONTINUED

	REPORTED	ARRESTS
ASSAULT'S)		
ASSAULT DOMESTIC VIOLENCI	1	1
ASSAULT	0	0
AGG ASSAULT	0	0
AGG ASSAULT ON P.O.	0	0
THREATS & HARASSMENT	**3**	1
MISSING PERSON(S)		
ADULT	0	0
JUVENILE 14-17	1	1
CHILD	0	0
WARRANT ARRESTS		
FELONY	4	
MISDEMEANOR	2	

46 CITATIONS ISSUED

ASSIST OTHER AGENCY	**4**	
FIRE		
MCSO	1	
OTHER PD	3	
CPS		
LIQUOR VIOLATIONS	0	0
OTHER CALLS FOR SERVICE		
SUSPICIOUS ACTIVITY	14	
DISTURBANCE CALLS	31	3
BURGLARY ALARMS	7	0
CIVIL MATTERS	1	0
WELFARE CHECKS	19	0

48 REPORTS TAKEN

COMMUNITY PRIDE

MEETINGS	12
CONTACTS	35
FOLLOW-UPS	18