



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

THURSDAY, June 24, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 6:16 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorney, Town Engineer Grant Anderson, Chief of Police Terry McDonald, Finance Officer Jackie Hoffman, Public Works Manager Mark Hannah, Building Safety Inspector John Stigsell, Code Enforcement Manager Lora Isaacs, Code Enforcement Officer Waymon Smythe, Deputy Town Clerk Diane Cordova, and Town Clerk/Treasurer Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Vice Mayor Duran. Invocation offered by Police Chaplain Charles Ring.
4. Communications:
 - A. Communications from Council

Mayor LeVault

 - Representatives of the Peoria Unified School District Board were here yesterday for a meeting regarding the annexing of the older portion of Youngtown (on the hill). This portion of Youngtown as an unorganized territory is a residual or hangover from the days when Youngtown had an age overlay. Since losing the age overlay in 1998 many young families with children have moved to Youngtown. This area has almost 400 children attending schools in the Peoria Unified School District. When an unorganized territory exceeds 150 students, the territory can be annexed by the school district without a vote of residents in the district. The meetings were informational, however the evening meeting was more contentious than the morning meeting. There was resentment that the District can annex without a vote. It is state statute and has no bearing on if or when. There was a man who called it a conspiracy that this wasn't known when asked to vote on property tax. As I prepared my July article for the Village Reporter, I reviewed articles I wrote on this topic for the May 2009 and it was discussed at several Town meetings and the District informational meetings were scheduled. The School District missed the August 2009 deadline because of the bureaucratic process. The school property tax will be effective with the start of school in August. Tax bills in October/November will reflect the new taxes. Someone suggested that Youngtown should be annexed by another Town. Not while I am Mayor. I'm sure I speak for the Council that we will continue to make Youngtown the quiet, safe community with the small town values we cherish. We are working to make Youngtown a better place.

Councilmember Mello

 - Councilmember Chittenden and I attended CDAC (Community Development Advisory Council) orientation last week. We are impressed with work that Councilmember Oglesby as our Representative to CDAC for the past three years has put forth on our behalf. She has fought hard and strong to get CDBG (Community Development Block Grant) monies here.

Councilmember Chittenden

 - Our alley paving projects came in under budget and Youngtown gave money back. This money was used by other communities to finish their projects. I apologize for being late tonight. I was attending a Methodist Church conference.

Mayor LeVault

 - It is unusual for government to return grant monies. Councilmember Oglesby continued the work of her late husband, Larry Oglesby, on CDAC where he also served as Chairman. We need to thank Public Works Manager Hannah for watching the money.

Councilmember Oglesby

- I want to thank Public Works Manager Hannah for getting me to all those meetings.

Vice Mayor Duran

- New Joy Ministries held its last church service in Youngtown. We have now moved to "unorganized" territory in Sun City. The church and charter school will be at the southeast corner of 107th Avenue and Peoria Avenue in the old Safeway building. We are excited by our victories and defeats. We will overcome.

B. Communications from Staff

Town Manager's Report

Town Manager Robinson

- Staff met with a representative of the Maricopa County Assessor's Office regarding residential rental tax collection and how we can integrate their information and ours. We are moving forward with identifying and collecting taxes. We have owners renting out properties without paying the rental tax. We need the tax to be paid every month.
- Vandalism continues to occur at our parks, even during the day.
- Our Court Administrator Petra Mendez retired on June 18. We have announced the position open for internal candidates. The deadline for applications is June 29.
- For the 2010 Census, to date Youngtown has had 72% participation. Surveys will be reconciled this fall and early next year state and local governments will be notified of their official census figures.
- Youngtown Library is transitioning to new Polaris software provided by the Maricopa County Library. The Library is closed on Thursdays this month while Library staff receives training in the new software. Technology is with us. Kiwanis Club members have volunteered to read to children this summer. If you would like to volunteer to read call Nancy Lewis to schedule a time. Nancy Lewis is working on a Library use program for a Special Needs class.
- Next Council meeting is July 15, Council recesses for the month of August, first Council meeting following the break will be on September 1, 2010.
- I will be out of the office from June 25th, 2010 and returning July 6th, 2010.

Code Enforcement Manager Isaacs

- I want to thank Mark Hannah for remodeling of the bathroom in the Public Works office building.

Chief McDonald

- I'd like to give Council an update. We are working on a new policing model given the layoffs that will take place on June 30. There is a new Sergeant that was selected through a professional selection process. July 1 Sergeant Michael Kessler will start his new duties. I am happy to have him on board. He brings 40 years experience. We are doing our job with fewer personnel. Some of our officers have been using excess leave time this month. We are working with Lora Isaacs' crew on Code. We will be working with the Town Prosecutor to tweak the process. We are looking at administrative processes. I am eliminating the Police Log. Originally the report was for the press. I am happy that not too many of the incidents are of interest to the media. I recognize there is a microscope on us. If there is a significant incident I will give notice to the Town Manager who will notify Council. The Police Department is in transition, but is moving forward with a positive attitude.

Mayor LeVault

- I spoke recently with a former resident who had moved to Maryvale. She is coming back to Youngtown because it is still a safe community here. I want it to stay that way. Thank you, Chief. We have every confidence in you.

Councilmember Mello

- Is Nixle still up and running?

Chief McDonald

- Yes, and we will be using it more.

Public Works Manager Hannah

- Peoria Paving is scheduled to start on Monday and should be completed within 60 days. We have requested that they work on one-half of the road at a time. Peoria Avenue will be accessible most of the time. It might be catawampus, but it will be open. The bid was less than the funds

allocated, but ADOT swept the excess funds. We are seeking replacement of the funds for additional projects with funds that have different timelines.

- The Alley Paving project is completed. We returned the unused funds back to Maricopa County Community Development. Next year's CDBG grant of \$353,000 will be used for Fire Flow. The original grant amount was \$325,000 but CDAC has granted an additional \$28,000. We are working with Arizona American Water on final details of the contract and I don't anticipate further difficulties. The engineers have added a few more fire hydrants to the plan.
- Work on Memorial Park will be completed in 45 to 60 days. Qwest is working on a fiber optic project upgrade.
- The Peoria "Dog Leg" (Peoria & 115th Avenue) will be done if we have enough money to substitute for ARRA funds. We do have an expense in the budget for the coming year that would allow for engineering and land acquisition for this project.

5. Consent

A. Approval of Minutes: Minutes of June 3, 2010 Regular Meeting.

Motion to approve Consent Agenda as corrected – Councilmember Chittenden
Second – Councilmember Mello
Motion passed unanimously on a voice vote.

6. Business

A. Introduction of Code Enforcement Department Personnel and Operational Overview (ROBINSON/ISAACS) Town Manager Robinson

- In 2007 we launched the Code Enforcement 33 Pilot Program. Volunteers were trained to identify code violations and in their first sweep of the Town identified 33 serious code violations. In 2009 Lora Isaacs began revitalizing our Code Enforcement Program. The groundwork was started by Mark Hannah and he found us Lora. She has compiled stats for the work these people have accomplished.

Code Enforcement Manager Isaacs

- I want to thank the Mayor and Council for your support and the support of Staff, particularly Town Manager Robinson. Mrs. Robinson is a caring, open, responsible leader. The Town would not be where it is without her commitment.
- Code's staff and volunteers have more than 10 years experience in Code Enforcement and they all worked for me in Peoria. These three men are among the most dedicated in Code Enforcement. They care.
- Waymon Smythe, retired from Code in Peoria. He is certified in Code Enforcement. He came to us in September 2009 when I called and said we need some help and you need to keep active in code enforcement to maintain your certification.
- Joseph Garnica, retired from Peoria and has multiple rental properties he manages. He also is certified. I reminded him that to keep your certification active you have to work. He volunteers for us two mornings a week.
- Frank Manzacua retired from Peoria two years ago with 10-1/2 year's experience. He is certified and I told him we could use some help. He volunteers on Tuesday, Wednesday and Thursday.
- Joseph and Frank have volunteered 117 hours, which means a savings to the Town of about \$3,000.

Mr. Frank Manzacua

- I was a Domestic Engineer. I like working Code for the interaction with the residents. We have an opportunity to educate the residents on why they need to do something. It all goes to the integrity of the Town. With violations, some residents didn't know and some ignore it.

Mr. Waymon Smythe

- Most people are accepting of the work we do. Some thank us and say they appreciate the job that we are doing.

Mayor LeVault

- We have a lot of vacant homes and a lot of rentals. Landlords don't live here. We need to be doubly vigilant.

Mr. Manzacua

- We need to educate the public that we have a process protocol that we follow in Code Enforcement.

Mr. Smythe

- We have some churches who have volunteered to help some older people that need help in maintaining their homes and yards. We are working with a Neighborhood Pride group that will paint some houses, fix doors and windows.

Councilmember Mello

- Thank you for your hard work.

Councilmember Johnson

- Waymon Smythe's smile is a joy.

B. Public Hearing, Discussion and/or Action: Approval of Ordinance 10-14 P&Z Case #10-06 re-zoning 12.5 acres C-1 PAD restricted to Senior Apartments. (ROBINSON)

1. Staff Report

Town Manager Robinson

- Aurora Village is a proposed senior apartments project by Englewood Development Company. During the Zoning hearing process there were questions regarding setbacks that have been resolved by Englewood Development and have been resolved by our Town Engineer Grant Anderson. In discussions with Brian Posen from Englewood, we determined that we need a better legal description of the property excluding the parking lot which was not purchased by Englewood. Englewood has met all the requirements for this property to be re-zoned from R (Rural) to C-1 (Commercial District) with a PAD (Planned Area Development) overlay restricting the project to senior apartments. Englewood has a management person who resides within the Town.

Town Engineer Anderson

- This proposal has been considered by Staff and the Planning and Zoning Hearing Officer. Aurora Village will be senior apartments with 65 apartments in a three-story facility. There will be one and two bedroom units and some of the units will be ADA compliant. There will be two elevators, one at each end of the structure. We have worked with Englewood on the setbacks for the project. Parking requirement will be addressed in the development review and final development plan. There should be an office for management, since the manager does not live on site. Englewood has 12.5 acres. This is Phase 1 of a multi-phase project. It will enhance and beautify an area currently unmaintained and used as a dumping ground and make it viable, usable. The Zoning Hearing Officer recommends the approval of Ordinance 10-14 with Amendments that include a modified legal description excluding the parking lot for Sun View Care Center which was not included in the Englewood acquisition, the PAD should be recorded to prevent misuse of C-1 PAD designation. With the PAD only senior apartments will be allowed, no other C-1 uses.
- The site plan can be modified, but major changes would require the developer to start all over with public hearings and approval by Council.
- The Fire Department has been consulted on height and accessibility. The fire lane may not be necessary as there will be other access.
- There will be a sidewalk from the project to 113th Avenue.
- Mr. Nick Surak, Development Director for Englewood Development, is here this evening to answer any questions.

Councilmember Chittenden

- I have photos of the site as it is now. I am in favor of development. We need this. People are staying there over night and others are using it for dumping. Would residents be affected by the Peoria School's property tax?

Mayor LeVault

- School tax is levied on the real estate.

Councilmember Johnson

- River Bend apartments is three stories?

Mr. Nick Surak, Englewood Development

- Yes, it is.

2. Zoning Hearing Officer Recommendations.

See attached.

3. **Open Public Hearing.**
 Mayor LeVault opened the public hearing.
 Mrs. Daphne Green, Youngtown Resident
 - Will there be fire extinguishers in every apartment?
 Mr. Surak
 - Yes.
 Mrs. June Miller, Youngtown Resident
 - The building will be three stories?
 Mr. Surak
 - Yes.
4. **Close Public Hearing.**
 Mayor LeVault closed the public hearing.

Motion to approve Ordinance 10-14 rezoning property at 12238 N. 113th Avenue from Rural to C-1 with a PAD overlay for Senior Housing Apartments as modified – Councilmember Johnson
 Second – Councilmember Oglesby
 Motion passed unanimously on a roll call vote.

- C. **Public Hearing, Discussion and/or Action:** Approval of Ordinance 10-11 P&Z Case #10-02 declaring the document entitled “2010 Town of Youngtown Sign Ordinance” as a public record; adopting by reference that public record known as the “2010 Town of Youngtown Sign Ordinance,” that increases the types of signage that may be displayed in all districts; adds political signs to the types of signs that may be placed in Town rights-of-way in all districts; requires permission of the property owner before any sign may be posted, whether on public or private property; clarifies that any signage may contain a non-commercial message; eliminates the sign permit requirement for political and noncommercial signs and carport signs in R-3, R-2, R-1, districts, and for political and noncommercial signs in C-1 and C-2 districts; dictates that billboard shall be allowed along Grand Avenue or Olive Avenue in C-2 districts, only, whereas previously billboards were allowed, with distance restrictions, throughout C-2 districts; adds professionally made portable signs as a type of signage allowed in C-1 and C-2 districts until June 1, 2012; allows walking signs, with restrictions, in C-1 and C-2 districts; requires any empty business sign faces in shopping center identification freestanding signs must have a blank opaque face; requires submission of a Comprehensive Sign Plan to the Town for all new commercial development in the C-1 and C-2 districts. (STIGSELL/HANNAH)
 1. **Staff Report.**
 Public Works Manager Hannah
 - Staff has been working on a new Sign ordinance for almost a year with the help of Councilmember Mello who brought us a model ordinance from a national sign organization.
 Building Inspector Stigsell
 - I want to thank Staff and Councilmember Mello for their work on this ordinance. Our current sign code is hard to enforce. The new ordinance has clearer language and illustrations to add further clarification.
 Councilmember Mello
 - One of my businesses involves permitting for signs. I look at different cities’ sign codes to find loopholes so my clients can put up the kind of sign they want. A sign ordinance needs to make sense and be understandable to everyone, not just the sign professionals. Legal jargon doesn’t make sense.
 Mayor LeVault
 - What about walking signs – twirling signs?
 Attorney Swann
 - A couple of years ago, Scottsdale was sued for outlawing walking signs. The walking sign businesses went to the Legislature and the Governor signed legislation to allow walking signs but allows municipalities to regulate the signs. We rewrote the law with out legal jargon.

Town Manager Robinson

- The business community was notified of the proposed sign ordinance through VOYT (Voice of Youngtown) and no comments were received.

Town Clerk Goldberg

- The ordinance calls for permit fees to be set by Resolution so that the Planning and Zoning process will not be required to change or set fees.

2. Zoning Hearing Officer Recommendations.

See attached.

3. Open Public Hearing.

Mayor LeVault opened the public hearing.

Barbara Lehn, Youngtown Resident

- How does the new code affect current businesses? Are they grandfathered in? Do they have to comply and/or pay fees?

Attorney Swann

- Legal non-conforming signs will be allowed. Modifications needing major improvement will have to conform. The new code establishes the criteria at which time a non-conforming sign would have to become compliant. If the owner changes or the use of the property changes, the sign would have to become legal/conforming.

4. Close Public Hearing.

Mayor LeVault closed the public hearing.

Councilmember Mello

- Under the new ordinance illegal signs will still be illegal. Fifty percent of the signs were put up without applying for a permit or inspection. These signs need to comply with code. Code needs make owners of illegal signs comply.

Motion to approve Ordinance 10-11 repealing Zoning Code Section 17.64 Signs and replacing it with "2010 Youngtown Sign Ordinance" – Councilmember Mello

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- D. Discussion and/or Action Re: Approval of Resolution 10-16, ordering that an ad valorem tax be fixed, levied and assessed on the assessed value of all real and personal property in the Agua Fria Ranch Street Lighting Improvement District in amounts specified in the filed Statements and Estimates; and providing for certified copies of this Resolution and Order to be delivered to the Maricopa County Board of Supervisors and the Arizona Department of Revenue; and providing that this Resolution shall be effective after its passage and approval according to law (ROBINSON).**

Mayor LeVault

- This levy is revenue neutral for residents of Agua Fria Ranch subdivision.

Motion to approve Resolution 10-16 ordering that an ad valorem tax be fixed, levied and assessed on the assessed value of all real and personal property in the Agua Fria Ranch Street Lighting Improvement District in amounts specified in the filed Statements and Estimates; and providing for certified copies of this Resolution and Order to be delivered to the Maricopa County Board of Supervisors and the Arizona Department of Revenue – Councilmember Chittenden

Second – Councilmember Mackay

Motion passed unanimously on a voice vote.

- E. Discussion and/or Action Re: Accepting the lowest responsible bid for the weekly maintenance of the landscape within the Town's parks and awarding of a contract for the period of July 1, 2010 through June 30, 2011 to Somerset Landscape & Maintenance in the amount of \$22,560. (HANNAH)**

Public Works Manager Hannah

- We took our lawn mowing contract out to bid. We had five bids. The highest was for \$295,800 per year and the lowest was \$22,560. Somerset Landscape & Maintenance was the low bidder. They have

done work for the City of Avondale and other cities and those cities gave glowing reports. It is not that we were unhappy with Westscape Landscaping Service. I would give them a glowing reference. The contract we had with Westscape was for one year renewable for an additional year. The contract was renewed the second year with a 5% reduction. With the approaching budget and other issues, we asked if they could make further reductions and they said they couldn't make a significant cut.

Councilmember Chittenden

- Is this bid too low?

Mr. Hannah

- We don't anticipate any problems, but will deal with it if necessary. I think they will do a good job for us.

Town Manager Robinson

- Avondale outsources all of their Public Works. The contract allows for termination. Mr. Hannah has done extensive research on Somerset. The amount of this contract is closer to the budget for the Agua Fria Ranch CFD budget for O&M parks maintenance which is down this year because of property valuations.

Mr. Hannah

- Staff asks Council to accept the bids and award the contract to Somerset Landscape & Maintenance in the amount of \$22,560 and authorize the Town Manager to complete the contract documents.

Motion to accept the lowest responsible bid for the weekly maintenance of the landscape within the Town's parks and awarding of a contract for the period of July 1, 2010 through June 30, 2011 to Somerset Landscape & Maintenance in the amount of \$22,560 - Vice Mayor Duran

Second – Councilmember Oglesby

Motion passed unanimously on a voice vote.

F. Public Hearing on the proposed Final Budget for FY 2010-2011 totaling \$3,983,023.00. (ROBINSON/HOFFMAN).

1. Staff Report.

Town Manager Robinson

- The Final Budget is \$1,239,030 less than the Tentative Budget which was set at \$4, 373,023. reducing the bottom line for the Final budget to \$3,983,023. There have been various changes throughout the budget.
- Next year we will be operating with 2004 money and 2004 staffing level. We have to hunker down and survive.

Finance Officer Hoffman

- If Police Reserve Officers were paid they would be part-time and not eligible for Public Safety Personnel Retirement System contributions.
- Health insurance we are fine at this level and stay with Health Net. We would have trouble if we have to go out to bid. We are in good shape. Several employees that were Medicare eligible decided to drop the Town's insurance and go with a Medicare plan. That change dropped our insurance increase from 29% to 14.5%

Councilmember Johnson

- An insurance pool would be ideal.

Finance Officer Hoffman

- We have to get to 2014 when the President's health plan kicks in.

Town Manager Robinson

- We have staff and Department Heads that can do this. If we have an unforeseen emergency, then we will deal with it. We will keep lights on, fuel in vehicles and payroll run. I am excited. I know we can do this.

Councilmember Johnson

- A frugal manager will do this. I know you like a challenge. Our residents said live within our means. You and staff are doing a phenomenal job.

Town Manager Robinson

- We looked at cutting expenses. We were looking for more revenue. Hard thing to do. After May 18 reality set in. If you think I'm cheap, you don't know Jackie and Letty.

- I spoke with Rep. Debbie Lesko about things the State could do to cut expenses. Cut out take home cars; look at operational considerations, frugal processes and template. I've asked her to call me to give her information for the state budget.

Mayor LeVault

- Lots of little things add up. Changes in temperature settings, take home cars, cell phones.

Councilmember Chittenden

- Thanks to Staff. We have had months of meetings on budget. I want to thank employees that opted out of Town health insurance and into Medicare. We need a new microphone system.

2. Hearing open.

Mayor LeVault opened the hearing.

Mrs. Daphne Green, Youngtown Resident

- What about raises?

Mayor LeVault

- There are no salary increases, no merit raises, no COLAs. The woman quoted in the News Sun about Council raises was mistaken. Council last received a raise in October 2008 and had to stand election to receive it.

3. Hearing closed.

Mayor LeVault closed the hearing.

- G. Discussion and/or Action Re: Approval of Resolution 10-17, adopting Final Budget for FY 2010-2011 totaling \$3,983,023.00. (ROBINSON).

Motion to approve Resolution 10-17 adopting the Final Budget for FY 2010-2011 totaling \$3,983,023.00 – Vice Mayor Duran

Second – Councilmember Johnson

Motion passed unanimously on a roll call vote.

- H. Discussion and/or Action Re: Approval to purchase street sweeper from Southwest Sweeper Sales of Phoenix for the sale and delivery of one (1) Python S2000 Street Sweeper, per the specifications described in City of Phoenix Invitation for Bid #IFB 10-044(AP), dated September 25, 2009, in an amount not to exceed \$164,659 from Maricopa Association of Governments grant funds and \$9,385.56 matching Town funds. (HANNAH Public Works Manager Hannah

- The Town received a MAG (Maricopa Association of Governments) grant to purchase a new street sweeper. One of the best products for our needs was a low bid from the City of Phoenix. Their IFB meets our purchasing policy. I met with the vendor and they will sell up the sweeper at the same price as bid, \$137,563 quote amount. The difference, a 2010 chassis instead of a 2009 chassis. We will continue to use our current sweeper. The new street sweeper does not require CDL licensed drivers. We expect the new street sweeper to last up to 10 years. The vendor also has lower prices for maintenance than our current vendors. This will provide us with other costs savings.

Motion to approve purchase of street sweeper from Southwest Sweeper at an amount not to exceed \$164,659 from Maricopa Association of Governments grant funds and \$9,385.56 matching Town funds – Councilmember Oglesby

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

7. Call for Executive Session

Not needed.

8. Citizens Comments/Appearances from the floor:

Announcement of next Special Meeting: Thursday, July 15, 2010, at 7:00 p.m. There will be no Council Meeting on July 1, 2010.

Adjournment.

**Motion to adjourn – Councilmember Mello
Second – Councilmember Oglesby
Meeting adjourned at 8:42 p.m.**



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk/Treasurer

Minutes approved at the July 15, 2010 Regular Meeting.