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

THURSDAY, September 16, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor Michael LeVault called the meeting to order at 7:02 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 Michelle Swann, Police Chief Terry McDonald, Public Works Manager Mark Hannah, Court Administrator Diana Kutcher, Court Clerk Lupe Romero, and Town Clerk/Treasurer Letty Goldberg.

3. **Pledge of Allegiance and Invocation** Pledge led by Councilmember Oglesby. Invocation offered by Chaplain Charles Ring.

4. **Communications:**
   A. Communications from Council
   Mayor LeVault
   - I will be resuming Mayor Town Hall Meetings in October. Date still to be set.
   - Town revenues continue to slide. Youngtown residents told us overwhelmingly when they did not vote for a primary property tax that they want the Town to live within its means. We are running the Town on less than $4 million. With the current economy we are struggling. Nevada is number one in foreclosures and Arizona is number two. This doesn't include short sales and "Deed in Lieu". It is now being projected that Arizona's recovery from the recession may not come until 2015 or 2016. People need to get a grip with reality. How do we sustain the Town? I'd like to commission a task force of citizens, staff and Council to look at how we can sustain the Town. Perhaps those citizens who voted against the primary property tax have some ideas for how we replace the lost revenues. We need honest, upfront, forthright information to find a solution.

   Councilmember Mello
   - I received positive response to the garden program at the last meeting so I am moving forward by arranging a meeting between Town Manager Robinson and the Executive Director of the community garden that I visited recently. I have been riding my bicycle around Town looking at empty lots in the middle of neighborhoods that could be possible garden sites. The nonprofit partners with property owners for garden sites. The property owner gets a break on their property taxes for participating in the program.
   - Regarding complaints about our new Sign Ordinance, I took a look at Grand Avenue and the issues there are an ADOT issue. I did check out Goodyear's sign ordinance and it is well done. Outside of our sign ordinance, theirs is very good. Goodyear requires registration of A frame signs which we do not. We aren't asking for a permit. Cities look at A frames as a hazard to pedestrians and vehicles. I am comfortable with our ordinance. Our ordinance is more business friendly. Our Council wants to give tools to businesses, but we want an orderly, neat, clean appearance.

   Councilmember Johnson
   - Although banners are not legal in most communities, I see them everywhere.

   B. Communications from Staff
   Town Manager's Report, Fire Department Report, Police Department Report
   Town Manager Robinson
   - The Clubhouse had an $11,000 electric bill for August and that is the month that was not used at all by Council. I am concerned about Clubhouse usage. We are on an austere budget. We are looking at expenses very carefully. Greer Park is the only facility that has a fee and it is fully refundable. Public Works Manager Hannah has calculated that Public Works staff costs about $800 per month for setups at the Clubhouse. We've been friendly but we need to scrutinize the usage.
   - Peoria Avenue paving is done except for completing the manhole covers and striping. Public Works is working on getting the Peoria "Dogleg" straightened out. The buckled pavement on Connecticut Avenue will be repaired in a couple of weeks at a cost of $5,300.

- Code Enforcement, Building Safety and the Sun City Fire Department are working to remedy building code and fire code violations at Mountain View Apartments. We have been meeting with the Hartanos, owners of Youngtown Shopping Plaza, to remedy building code violations on that property.
- Nick Surak of Englewood Development reported that they were unsuccessful in obtaining housing credits but the Arizona Department of Housing invited them to apply in the Spring when more funding will be available.
- Notice letters have been sent to owners of residential rental properties to collect back taxes and interest owed to the Town. The majority of the property owners have been cooperative. If they pay the back taxes and interest within 30 days, the Town will waive the penalties. We have incurred an expense of $500 in certified mail to contact the owners.
- Pastor Joe Oswald of Compass Bible Church is going to continue a youth outreach program called Red Zone at Uribe Park. This after-school program had 12 to 20 youth participants per session last year.
- The APS and Southwest Gas franchises expire in the summer and fall of 2011
- Two inquiries have been received regarding the Hatcher Landfill and the Shamadan property east of Agua Fria Ranch. One party is interested in installing a solar enterprise. Town Engineer Grant Anderson is coordinating these projects.
- August financials were down 2% from projected revenues. Local tax was down. We had equipment that had to be replaced, further impacting our budget.
- On October 21 I will give Council a quarterly report on the Town's financial status. We also need to coordinate with the Chief Haner and the Sun City Fire Department. We'd like to invite people with an interest in Youngtown to assist us in determining our options for the Town's Future..

Councilmember Oglesby

- I'm sure the music groups would be happy to do their own set ups if the carts of chairs were left out. Also they would like the A/C to be turned up instead of being so cold.

Public Works Manager Hannah

- The Peoria Avenue paving is almost through. Still to be completed are the landscaping, the loop for the traffic signal and striping. The new bus stop is completed at 111th Avenue and Pennsylvania. The wall at Memorial Park is ready for the lettering to be installed.

C. Proclamation – AARP Chapter #1 Youngtown 50th Anniversary
Mayor LeVault read proclamation and proclaimed October 8, 2010 AARP Youngtown Chapter #1 Day in Youngtown.

5. Consent

A. Approval of Minutes: Minutes of September 2, 2010 Regular Meeting

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

6. Business

C. Discussion and/or Action Re: Joint recommendation by the Town Manager and Youngtown Police Department that the Town Council revise the Town Code to adopt additional regulations regarding the possession, storage and display of items used in graffiti, including but not limited to discussion of regulations such as those adopted by El Mirage, Arizona at Section 131.01 *et seq.* of the City of El Mirage Code, in an effort to minimize illegal graffiti within Town limits. (MCDONALD/ROBINSON)
Chief McDonald

- I've been researching what other cities are doing about graffiti. El Mirage is very progressive, but they have a larger problem than we have. This is the information phase. Citizens and business owners have very strong feelings about this issue. Ace Hardware Store Manager Joe Barthold was invited to come tonight to participate in this discussion. It should be a judicious move when Council makes ordinances. I asked Bonnie Medrano, Police Administrative Assistant, to research how many graffiti cases we had in Town last year – 12 were reported, nine spray paint and three other objects. Graffiti makers use spray paint, shoe polish, grease pens, and other materials. Ordinance restricts purchase of graffiti implements, but like alcohol, drinking is supposed to be for 21 years of age and older, but kids get alcohol. Also graffiti makers are not all juveniles. We need input from others.

Mayor LeVault

- Once graffiti occurs it should quickly be covered up. It becomes a magnet for other graffiti. The Agua Fria Ranch Homeowners Association has a self-policing committee to deal with graffiti. Surprise has a program that makes paint available to property owners to cover the graffiti quickly. The HOA website allows for graffiti notices to be sent to the graffiti committee to cover it. There were 12 panels of fence tagged. There were police reports, not just kids, but young adults also. They need the book thrown at them and parents should pay costs.

Councilmember Johnson

- I called the Sun City West True Value Store and they do not lock up spray paint after all it is a retirement community. Ace Hardware at 51st Avenue and Indian School locks up spray paint. Ace Hardware at 43rd Avenue and Peoria does not lock up spray paint. Seems that there are stores that do lock up paint and those that don't. In Youngtown's Ace Hardware store the placement of spray paint is on the last aisle. Staff can't see anyone there. Maybe they need to look at placement.

Mayor LeVault

- Mr. Barthold, what is your shrinkage on spray paint? How much of a problem is shoplifting of spray paint?

Mr. Barthold,

- We have some issues but it is better than the Bell Road and 99th Avenue store. I have talked with the crew about moving the spray paint, possibly locating it behind glass. It would cost $2,500 to $3,000 to purchase the grilling to lock up the spray paint. Graffiti on our wall was done with shoe polish. I've worked for Home Depot and Lowes. Some cities require lock up of spray paint, while others require that the store have a sign directing a customer to request help when purchasing spray paint, or they require carding of anyone purchasing spray paint. We do carding at Ace.

Mayor LeVault

- Speaking for myself, I'm anti-government when it comes to doing things that cause businesses to go to expense. I don't know about the rest of Council, but I don't want an extra burden on businesses or affect my purchasing spray paint.

Councilmember Chittenden

- I think spray paint and markers should be moved to a location where they can be viewed by store personnel. Only 12 incidents were reported, but I know I reported a number of incidents to our Public Works Department, and that some people may have covered graffiti without reporting it to the Police Department.

Councilmember Mello

- I like the glass idea and moving the spray paint to be more visible. I deal with graffiti. I'm in the sign business and I've seen the cost of damage to signs from graffiti. There are products to try to get it off but they can also damage the sign. I agree with the Mayor. I don't want a mandate to businesses that cause grief. I want to thank Mr. Barthold for coming this evening.

Councilmember Oglesby

- Adults are doing graffiti, it's not all kids.

Councilmember MacKay

- I'm on the graffiti committee for Agua Fria Ranch and silver paint is the worst when trying to cover up graffiti. Graffiti makers paint anything – curbs, APS boxes, walls, and signs. I don't have enough time to do it all. We pay a contractor. Then there is the cost of sign replacement to the HOA and the Town. To deter people from doing graffiti would be our goal. I've been doing graffiti mitigation for four years. The first week of school is always the worst. Graffiti affects our house values. If you are looking for a home you don't want to move to a neighborhood that has graffiti everywhere. I like the behind glass idea for spray paint at Ace.

Mayor LeVault

- Maybe we could publicize convictions. How many are from outside our community?

Chief McDonald

- Ms. Alton is diligent and we don't want to minimize her situation. The Police Department is down in numbers. We need a dialogue and partnership with the distributors of paint. I'd like to find a solution short of legislation.

Betty Alton, Resident Manager of Youngtown House Apartments

- Thank you for addressing this issue. I haven't reported every incident. People who come to do business don't want to come to places covered with graffiti. Spray paint at Ace was moved to the back and that's when some of the problems started. The graffiti makers I observed live in Town and are 15-16 year olds. I tried to take photos of two of them and they threatened me. The photos weren't very good.

Chief McDonald

- If all property owners were as conscientious as Ms. Alton we would have fewer problems with graffiti. We can re-visit this issue if relocation of spray paint at the store doesn't work. If this were Phoenix, I'd lock the spray paint up. This is a transitional community. Our Department with an assist from Peoria did make some real good arrests a couple of months ago, but usually it's like catching a ghost. You wonder how they do it without being seen. Betty, I take my hat off to you.

Mayor LeVault

- Council directs staff to work with Ace. Ace has said they will move the spray paint to be more visible to store personnel without additional expense. Surprise makes paint available to residents for graffiti cover-up. Maybe we can set up such a program.

Court Clerk Romero

- I previously worked with Code Enforcement in Surprise. For small stores, lock and key is an expense and reality is that graffiti makers will finds ways to get paint and other materials. Some stores have signs that say "spray paint available, ask for assistance." There is a Graffiti Busters rewards program in Maricopa County that pays up to $500 for verified reports of persons doing graffiti. If they are juveniles they go to Juvenile Court. Judges can convict them of criminal damages. The Judge can also suspend their driver licenses until they are 18. This might deter them from doing graffiti.

Chief McDonald

- Juveniles are processed through the juvenile justice system while an adult would be charged with a misdemeanor in our Court, or a felony in Superior Court.

Court Administrator Kutcher

- A juvenile could be cited into Municipal Court and then let the Juvenile Court decide which Court would take jurisdiction.

Councilmember MacKay

- I thank Ace Hardware for being here for this discussion. We are trying to find an amicable solution. We could put the toll free number for Graffiti Busters in the Village Reporter.

Ms. Alton

- Also in the Village Reporter you could let people know what happens to you if you are caught doing graffiti.

A. Presentation Re: New Employees: Lupe Romero, Court Clerk – Judicial Assistant

Town Manager Robinson

- Council you have already met our new Court Clerk-Judicial Assistant, Lupe Romero. Ms. Romero has worked for Peoria, Glendale and Surprise. She has worked in Code Enforcement, Prosecutor's Office, and has experience with budget and collections. She has also worked in the private sector. When asked why she was looking for a public service job, her response was "I'm a municipality girl". Lupe speaks and writes Spanish and is working on a degree in Public Administration.

B. Discussion and/or Action Re: Approval of Contract No. *USES-YGTN-10*, between U.S. Energy Services, Inc. and the Town of Youngtown, in the amount of $65,181, for the installation of energy efficiency devices in Town buildings, as part of the American Recovery and Reinvestment Act (ARRA) funded *Arizona Balance of State Energy Efficiency Block Grant Program* (EECBG) grant agreement between the State of Arizona Department of Commerce Energy Office and the Town commencing in Mid-September 2010 and completed by November 2010. HANNAH)

Public Works Manager Hannah

- **The Town is the recipient of an Energy Stimulus Grant. Through partnering with APS the $65,181 grant will yield $76,000 worth of energy-saving products for the Town complex. It is estimated that the Town will save 77,000 Kilowatt hours annually at a cost savings of $9,069 per year. This would amortize the cost over seven years. The good news is that because of the grant this doesn't cost the Town anything for these energy savings. All of it is being paid for by the grant.**
- **The major part of the project will be the installation of energy efficient lighting and energy-efficient windows or window tinting. Also motion sensor lights will be installed in low-use rooms, such as the restrooms at the Clubhouse. Some buildings are better insulated than others. The work will begin almost immediately and be completed by November. Buildings like the Historical Museum with newer light fixtures will have more energy-efficient bulbs. Incandescent bulbs are obsolete.**

Councilmember Oglesby

- **Window tinting would be okay for summer, but thermal pane windows would be better.**

Motion to approve Contract No. *USES-YGTN-10*, between U.S. Energy Services, Inc. and the Town of Youngtown, in the amount of $65,181, for the installation of energy efficiency devices in Town buildings, as part of the American Recovery and Reinvestment Act (ARRA) funded *Arizona Balance of State Energy Efficiency Block Grant Program* (EECBG) grant agreement between the State of Arizona Department of Commerce Energy Office and the Town commencing in Mid-September 2010 and completed by November 2010. – Councilmember Johnson
Second – Councilmember Mello
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 Meeting: Thursday, October 7, 2010, at 7:00 p.m.
Adjournment.

Motion to adjourn – Vice Mayor Duran
Second – Councilmember Oglesby
Meeting adjourned at 8:30 p.m.

Michael LeVault, Mayor

Attest:

Letty Goldberg, Town Clerk/Treasurer

Minutes approved at the October 7, 2010 Regular Meeting.

TOWN MANAGER REPORT
SEPT. 16, 2010

1. Town audit during week of Sept. 20th; Court audit completed earlier this month; council may receive phone calls from the LarsonAllen, auditing firm re questions on ethics, etc.
2. YVR deadlines are Sept. 27th and Oct. 25th
3. Reviewing Clubhouse and parks usage. $1,100 electric bill while Council was on recess. 2 similar organizations meet 2x month each; others hold board meetings, then regular membership meetings, believe some organizations/clubs do not have proper structure i.e., President, etc. and have no participation by YT residents and were not authorized as Council approved. Parks bathrooms continue to be opened/closed based on PW staff schedules (damage has been costly not to lock up); Parks fees of $25/refundable (staff/utilities cost), but staff will be coming back with a recommendation for Council.
4. Peoria Ave. Repaving done @ manhole covers to be set, landscaping
5. Peoria Ave. Intersection – coordinating funding for design
6. Connecticut Avenue repair-w/n 2 weeks @ $5,300 cost
7. Code/Building Safety coordination re Mtn. View Apts. and Youngtown Shopping Plaza (Hartonos')
8. Aurora Village project along 113th Avenue is on HOLD; did not receive the housing construction units as planned for this year, but have been invited to resubmit in the Spring. AZ Dept. of Housing ran out of $$ (unit credits) for this year.
9. Delinquent rental taxes – Great amount of response; cost @ $500 for certified letters, but return is worth this cost
10. Youth Recreation (weekly)-coordination w/Compass Bible Church and AFR HOA-Beginning in October to May 2011, (Thursdays) with holiday time off-AFR HOA provides funding for drink/snack (Read last year's Red Zone Report)
11. Franchise Agreements (APS and SW Gas) starting the process
12. APS, SRP, Hatcher Landfill re access to properties and possible commercial enterprises i.e., solar.
13. Staff meetings-Discussed Staff being engaged and not just being involved; taking field trips around Town facilities to acquaint all DHs with our assets, and varied working environments.
14. Continuing council and dept. head monthly meetings which produce a wonderful exchange of ideas and keep communication vital.
15. Meeting with YT businesses re forming "business districts" with more visible signage. Waiting on input from YT businesses now.
16. Working on quarterly financial overview for the Oct. 21st Council Meeting, which will encompass where we have been, where we are now and where we are going.
17. August financials-Down 2% in Operations Revenues; emergency spending in September.

LLOYCE ROBINSON
Town Manager