



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

THURSDAY, February 17, 2011, 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, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby and Judy Johnson. Council absent: Councilmember Susan MacKay. Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Police Chief Terry McDonald, 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

 - Flyers are available announcing a Car Wash benefit to help with the medical expenses for Joey Fernandez who was burned in an accident two weeks ago. The car wash will be Saturday, February 26, from 8 a.m. to 1 p.m. at Agua Fria Parkway north of Olive. The Town and the Sun City Fire Department are sponsoring the event. Fire Up Freedom truck will be there selling hotdogs. Proceeds go to Joey's medical expenses.
 - Again I want to talk about money issues – budget issues. At the state level they are having problems balancing the budget. This economic quagmire is causing fear and trepidation in the Legislature and in turn making it more difficult for towns to balance their budgets. Discussion at the Legislature is to freeze impact fees for 20 years, taking away powers from towns to the state level, revising or eliminating revenue sharing, revoking or limiting the Model Cities Tax Code (MCTC).
 - We've done a good job at the local level. Youngtown has no debt. We aren't bondable. We've reduced spending down to 2004 levels. There appears to be an anti-municipal mindset at the Legislature. They have no idea how to balance the state budget. Per percent of budget, Arizona's structural deficit is the highest in the nation. Expenditures are still going up while revenues are still going down. It could be 2014 or more before we see the economy take an upturn. It's your Town, we on Council are caretakers. You have to tell us what you want and are willing to pay for.
 - I attended a meeting of the new MAG (Maricopa Association of Governments) Economic Development Committee. There is a lot of talent. Mission of the committee is to do a better job of strategic planning for future economic development. City Councilwoman Peggy Neely, who may be running for Mayor in Phoenix, has stated that cities and towns in the Valley need to work together to eliminate duplication of efforts.
 - AARP Health Fair, Saturday, February 26, from 9 a.m. to 2 p.m. in Greer Park. All are welcome.
 - Bulk Trash Collection is Wednesday, February 23 and Saturday, February at the Public Works Facility on Peoria Avenue. Residents need to take their bulk items to the Facility yard and Public Works staff will help load it in the dumpsters.
 - Youngtown Visionaries will meet on February 28. Lots of good ideas. Looking at short term projects and long term strategies for the future.
 - Councilmember Johnson
 - I read where a town back East had complaints from the ACLU and have discontinued having prayers at their meetings. I am glad that we have been able to have prayer here at our meetings without conflict.
 - Councilmember Chittenden
 - The Youngtown Methodist Church is having spaghetti dinner Saturday, February 19 from 4:30 to 6:30 p.m. Tickets are \$5 and available at the door.
 - Councilmember Mello
 - I am thoroughly involved in the CDBG (Community Development Block Grant) funding process. Last night applicants made presentations for their projects at the CDAC (Community Development Advisory Committee) meeting. Town Engineer Grant Anderson did a good job. He is going to prep me for next week when it is my turn to champion our project application. Last year we received a grant for Fire Flow and our current application is for Fire Flow. The total cost for grant projects is over \$3 million with a shortfall of about \$1,500,000. We are fighting to get a piece of the pie. Youngtown needs Fire Flow.

B. Communications from Staff

Town Manager's Report, Fire Department Report, Police Department Report

Town Manager Robinson

- Plans are proceeding for Compass Bible Church to use the Clubhouse. We don't have a date to start. They will do their own setups. To help the Town, the Church is offering to clean Greer park and the Cactus Garden. They need to meet with Public Works Manager Mark Hannah.
- Public Works Manager Hannah is working on obtaining estimates for cost to replace some of the grass in parks to rock landscaping to see if we can reduce our maintenance costs.
- Finance Officer Jackie Hoffman has prepared a detailed report on our Developer Impact Fee Accounts. What we learned is that the fees collected when Agua Fria Ranch was built are contractual fees and not Developer Impact Fees governed by state statute. The use of the funds is more flexible. Also Finance Officer Hoffman and I have been participating each Monday in the League phone conference regarding bills that will affect cities and towns.

Town Attorney Swann

- I want to wish Chief McDonald a "Happy Birthday" tomorrow.

Fire Chief Haner

- I have copies of the Youngtown Incident Report for January, 2011. Also copies of the Annual Report for the Fire District. (see attached). Ten percent of the District's calls in January were in Youngtown.

Police Chief McDonald

- I attended a meeting of the West Valley Chiefs. Guest speaker was the Director of the Arizona Department of Gaming. Chiefs noted that grants on the federal level are more difficult to come by. Interim Chief Campbell in El Mirage is experiencing severe budget shortages and may have to do layoffs. There is a bill in the Legislature that would allow a municipality to have a secondary property tax to fund specified uses. There is a bill that would make Sheriff Arpaio the primary law officer of the County which upset several Police Chiefs.
- I am proud of the Department. Last November there was a sexual assault. Following our investigation, approval was given for a search warrant to pursue a subject for evidence comparison. An evaluation was done of violence potential with this individual. As a result, our officers coordinated with Glendale Police and the Sheriff's Department for backup in executing the warrant. Actor Steven Segal, a member of the Sheriff's Posse, was present at this action. There were a couple of camera crews but I don't know if we'll ever see any of it. Good team work, good cooperation with Glendale and Sheriff's Department.

Town Clerk Goldberg

- We are coming up to our Primary Election on March 8. Some dates to note are: February 25 is the last day to request an early ballot – online or by phone; March 4 last day for early voting. On March 8 polls open at 6 a.m. and close at 7 p.m. in the Clubhouse kitchen area. There are three Council seats on the ballot. Vice Mayor Jacob Duran and Councilmember Mello are on the ballot. Councilmember Shirley Oglesby has filed as a write-in candidate for the third Council seat. Also on the ballot are a Special Election asking voters to approve 25 year franchise agreements for Arizona Public Service Company (APS) and Southwest Gas Corporation that in exchange for fees allows the utilities to use the Town's rights-of-way.

5. Consent

A. Approval of Minutes: Minutes of February 3, 2011 Board of Adjustment and Regular Meeting.

Motion to approve Consent Agenda – Vice mayor Duran

Second – Councilmember Johnson

Motion passed unanimously on a voice vote.

6. Business

A. Discussion and/or Action Re: Council direction to staff to explore possible transfer of land owned by Arizona American Water located at the southwest corner of 112th and Youngtown Avenues, adjacent to Greer Park, containing wellhead, building and two water tanks. (Robinson)

Town Manager Robinson

- Arizona American Water Company is offering to transfer to the Town the parcel at the southwest corner of 112th Avenue and Youngtown Avenue, next to the Public Works and Code Enforcement Offices. I am asking Council for direction on this. Ian Crooks, Arizona American Water General Manager, is here to answer any questions that Council may have. Arizona American Water has been purchased by EPCOR Utilities, Inc. in Edmonton, Canada.

Mayor LeVault

- What is the Town's potential liability? Is the well head in use? Will it be needed in the future? Is there lead in the tanks? What is the cost of removal of the tanks?

Mr. Crooks

- We have a well across the street. If we needed another well we would drill there and not on the parcel under consideration. I do not see a need to maintain a well head here. The tanks do have lead paint. I do not know the costs of removal as I haven't seen one in 15 years. I have offered to get a free estimate of the cost of removal.

Mayor LeVault

- Would Arizona American Water be willing to share in the costs?

Mr. Crooks

- I can explore that. The existing company is probably a "no". The new company, I can inquire. Arizona Corporation Commission still needs to approve the purchase which could take 12 to 15 months.

Councilmember Chittenden

- Is the lead inside as well as out? How would they take it down?

Mr. Crooks

- Yes, the lead is inside and outside. The tank would be dismantled section by section. It would be covered to contain the lead.

Mayor LeVault

- Town Manager Robinson is directed to work with Arizona American Water to get costs of taking the tanks down and of lead mitigation.

B. Discussion and/or Action Re: Approval for Mayor to sign "Local Government Acknowledgement and Consent Re: Youngtown Senior Village Affordable Apartments," evidencing Town's support for proposed plan by Englewood Development Company, Inc. to develop property located at corner of Nevada and 113th Avenue. (Robinson)

Town Manager Robinson

- Nick Surak, representing Englewood Development Company, is requesting the Mayor's signature on a form acknowledging the Town's awareness that the company would like to develop affordable senior housing in Youngtown.

Mr. Surak

- Englewood Development needs the recommendation as part of its application to the Arizona Department of Housing to secure construction credits to build the project. The form shows that the Town is aware of what we intend to do. It will be part of an application that fills a four-inch binder. Application deadline is March 1. Last year there were 40 applications and 14 grants were awarded. Of the 14 some are restricted to particular types of communities.

Councilmember Mello

- Youngtown needs affordable housing.

Councilmember Oglesby

- Are there projects that are started and might not be finished?

Mr. Surak

- That has never happened to our company. We will know by late June if we are a recipient. If we receive the construction credits, we would plan to break ground by the end of year and the project would be completed in about 10 months.
- I'd again like to invite you to visit the project we just completed in Guadalupe. It is like the project we have planned for Youngtown.

Councilmember Chittenden

- I have visited the Guadalupe development and know the way. I would be happy to take people there.

Motion to approve Mayor to sign "Local Government Acknowledgement and Consent Re: Youngtown Senior Village Affordable Apartments" – Councilmember Johnson

Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

- C. Discussion and/or Action Re: Approval or Disapproval Recommendation of Liquor License Application for Agent Change - Acquisition of Control – Restructure for Class 6 Liquor Sales (Bar – All spirituous liquor) for Speakeasy, LTD dba The Speakeasy, 11115 NW. Grand Avenue. (GOLDBERG).

Town Clerk Goldberg

- The Town received an application from the Arizona State Liquor Board for an Agent Change and Acquisition of Control for Speakeasy LTD dba The Speakeasy. This is an existing Series 6 Liquor License in good standing. If there had been a question regarding this license, the Liquor Department Director would have ordered a pre-investigation. Manuela Canada has been an owner of the business since 2005. Council is requested to approve or deny a recommendation on this application to the Liquor Board. Mrs. Canada is here this evening if you have any questions.

Mrs. Manuela Canada, owner of Speakeasy LTD.

- I have been in business here six years. I like this town and I own property here.

Motion to approve Recommendation of Liquor License Application for Agent Change – Councilmember Mello
Second – Councilmember Chittenden

Motion passed on a voice/roll call vote. Yes Votes: Councilmembers Johnson, Mello, Chittenden, and Mayor LeVault.
Present: Councilmember Oglesby and Vice Mayor Duran.

- D. Discussion and/or Action Re: Approval of Ordinance 11-03 Medical Marijuana Business License Fees, with emergency clause. (Goldberg)

Town Clerk Goldberg

- Ordinance 11-03 will establish Business License Fees comparable to the Town's other special licenses, such as Massage, Tattoo, and Peddler. An emergency clause has been added so that this ordinance would be in effect when Ordinance 11-02 establishing zoning requirements for Medical Marijuana Dispensaries and Medical Marijuana Cultivation, Fusion and Manufacturing Facilities takes effect on February 20.

Town Attorney Swann

- The Arizona Department of Health Services has extended the date for when the final rules will be completed. The Department will begin taking applications on May 1 and for the next 30 days. Originally the State Licenses were going to be distributed on a population basis and some municipalities wrote ordinances on that basis. Now the State is using the 126 Community Health Analysis Areas or CHAAs as the basis for allocating licenses. CHAAs are based on cancer data and other health information. Youngtown is split between two CHAAs. The north part of Town is in the Surprise CHAA and the south part of Town is in the Sun City CHAA. The Town might want to ask the State to reallocate the south part into the Surprise CHAA as I doubt the Town would want two medical marijuana facilities.
- Currently the Town's ordinance is overly restrictive setting 1,000 feet separation for parks, schools, and residential. I would recommend reducing to 250 feet separation for residential which would allow for a facility in the C-2 Commercial District just south of Grand Avenue. Before any changes are made to the ordinance, the Town should wait for the final rules from the Department of Health Services so all changes could be made at one time. The C-2 zoning in the south part of Town contain the Public Works Facility, Another Garage, as well as the APS substation and Hatcher landfill which would not be available.
- The Town's ordinance is based on the draft ordinance of the Arizona League of Cities and Towns. Changes were because Youngtown is so small (in land area).
- Ordinance 11-03 sets the nonrefundable application fee at \$200 and the annual license fee at \$100, consistent with other special licenses.

Motion to approve Ordinance 11-03 Medical Marijuana Business License Fees, with emergency clause –
Councilmember Chittenden

Second – Councilmember Johnson

Motion passed on a 5-1 roll call vote. Yes votes: Councilmembers Mello, Oglesby, Chittenden, Johnson, and Mayor LeVault. No votes: Vice Mayor Duran.

7. Call for Executive Session
None needed.

8. Citizens Comments/Appearances from the floor:

Jesse Yanes, Youngtown resident

- I received a warning from Code Enforcement regarding my trailer parked by the side of my house. I have been parking it there for 3-1/2 years. It is on gravel. I don't have room in my backyard to park it. I don't want to sell it. I use it for occasional trips. Why am I getting a notice after all this time?

Mayor LeVault

- Mr. Yanes, I will direct Staff to look into the background of this and contact you.

Announcement of next Work Session and Regular Meeting: Thursday, March 3, 2011, at 7:00 p.m.

Adjournment

Motion to adjourn – Councilmember Mello

Second – Vice Mayor Duran

Meeting adjourned at 8:26 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk/Treasurer

Minutes approved at the March 3, 2011 Regular Meeting.